

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 854, L.D. 1155, Bill, "An Act To Include Alternates as Regular Jurors"

Amend the bill in section 1 in that part designated "§1204." by striking out all of subsection 1 and inserting in its place the following:

'1. Number of members. The court shall seat a jury of either 8 or 9 members, and all jurors shall participate in the verdict unless excused for good cause by the court. Unless the parties otherwise stipulate, the verdict must be decided by the unanimous votes of at least 3/4 of the jurors participating in the verdict and no verdict may be taken from a jury reduced to fewer than 7 members.'

SUMMARY

This amendment ensures that all jurors who have heard the evidence in a civil trial participate in determining the verdict unless excused for good cause. It clarifies that the court must seat a jury consisting of 8 or 9 jurors. A verdict must be decided by the unanimous vote of at least 3/4 of the jurors participating in the verdict, unless the parties stipulate otherwise. A jury reduced to 6 or fewer members is not permitted to render a verdict.

This amendment is modeled on the Federal Rules of Civil Procedure, Rule 48. The Maine Rules of Civil Procedure, Rule 48 currently provides that a verdict must have the agreement of at least 3/4 of the jurors.

COMMITTEE AMENDMENT