

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1155

H.P. 854

House of Representatives, March 4, 2003

An Act To Include Alternates as Regular Jurors

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Cornville.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 14 MRSA §1204**, as amended by PL 1977, c. 102, is repealed and the following enacted in its place:

6 **§1204. Civil juries**

8 1. Number of members. A civil jury consists of between 7
10 and 9 members, but the unanimous votes of 6 or more jurors are
12 sufficient to determine a verdict. A jury of 8 members must be
14 selected unless the court determines that a 9th member should be
16 added to ensure that at least 7 jurors will be available to
18 consider the verdict. All jurors who have heard the evidence
20 shall participate in determining the verdict unless discharged
22 for cause.

24 2. Procedures. At the commencement of each term, the
26 clerk shall prepare an alphabetical list of the names of those
28 appearing for duty as traverse jurors. Before each trial, after
30 the court has ruled on challenges for cause, the clerk shall
32 randomly draw by lot from the names of all eligible jurors a
34 sufficient number to comprise the jury panel plus enough to
36 account for peremptory challenges. Peremptory challenges may
38 then be exercised in accordance with court rules. When the panel
40 is complete, the court shall appoint a foreperson to oversee
42 deliberations and to speak for the jury.

44 **Sec. 2. 14 MRSA §1207** is repealed.

46 **Sec. 3. 15 MRSA §1317**, as amended by PL 1973, c. 567, §20, is further amended to read:

§1317. List of witnesses

The Attorney General, district attorney or ~~foreman~~
foreperson of the grand jury shall swear or affirm, in presence
of the jury, all witnesses who are to testify before them, and a
list thereof, stating the cases in which they testify, shall ~~must~~
be returned into the court by the ~~foreman~~ foreperson before the
jury is discharged and filed and entered on record by the clerk.
The clerk shall ~~may~~ not make such list public until the criminal
cases at such terms have been tried or otherwise disposed of.

SUMMARY

For civil cases, this bill eliminates the need for choosing
alternate jurors who are dismissed at the end of trial. All
jurors chosen may participate in the verdict so long as the panel
contains at least 7 members. The unanimous votes of any 6

2 members are required for a verdict. Normally, a jury of 8
members will be chosen unless the court determines that a 9th
4 member should be added to ensure that at least 7 members will
remain at the end.

6 The text of the Maine Revised Statutes, Title 14, section
1204 is substantially rewritten with the substance preserved.
8 It continues the practice of choosing names by lot from the pool
of eligible jurors. The court is directed to appoint a
10 foreperson to oversee deliberations and to speak for the jury.