

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1652

H.P. 1230

House of Representatives, December 15, 2003

An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 11, 2003. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Cornville.

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

Sec. 1. 14 MRSA §1204, sub-§1, as enacted by PL 2003, c. 299, §1, is amended to read:

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 $\frac{3}{4}$ $\frac{2}{3}$ of the jurors participating in the verdict and no verdict may be taken from a jury reduced to fewer than 7 members.

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SUMMARY

Public Law 2003, chapter 299 revised the laws governing civil juries to allow jurors chosen as alternates who hear the entire case to participate in rendering a verdict. Because the new law increased the potential number of voting jurors, the new law inadvertently abrogated an attribute of the civil trial system, which allowed for the existence of up to 2 dissenting jurors before the declaration of a mistrial. Under the new law, the number of jurors participating in the verdict may be 7, 8 or 9 and the verdict must be reached by the unanimous votes of $\frac{3}{4}$ of the jurors.

This bill requires that at least $\frac{2}{3}$ of the jurors participating must unanimously agree in the verdict. The purpose of this bill is to avoid the expense and inefficiency that would be associated with an increased number of declared mistrials and to restore to the civil trial system the potential to have 2 dissenting jurors without the necessity of declaring a mistrial and without increasing beyond 6 the number of jurors who must unanimously agree to render a verdict. Only in the event that the jury is reduced to 7 members would a verdict be decided by the unanimous votes of fewer than 6 jurors.