

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 103

H.P. 79

House of Representatives, January 11, 2005

### An Act To Establish the Fully Informed Jury Act

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JOY of Crystal. (BY REQUEST)  
Cosponsored by Representatives: CROSTHWAITE of Ellsworth, SAVIELLO of Wilton,  
SHERMAN of Hodgdon, VAUGHAN of Durham.

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

4 **Sec. 1. 15 MRSA §1261** is enacted to read:

6 **§1261. Fully Informed Jury Act**

8 **1. Short title.** This section may be known and cited as  
"the Fully Informed Jury Act."

10 **2. Power to judge law.** A defendant's right to a trial by  
12 jury includes the right to inform the jury of the jury's power to  
judge the law as well as all the evidence and to render a verdict  
14 dictated by conscientious consideration.

16 **3. Evidence.** Once the jury has been informed in accordance  
with subsection 2, a party may not be prohibited from presenting  
18 arguments to the jury pertaining to issues of law and conscience,  
including the following:

20 **A.** The merit, intent, constitutionality or applicability of  
the law to the defendant's case;

22 **B.** The motive, moral perspective or circumstances of the  
24 defendant; and

26 **C.** The degree of guilt or actual harm done.

28 **4. Mistrial or new trial.** Failure to allow the defendant  
to inform the jury as provided in subsection 2 is grounds for a  
30 mistrial or a new trial by jury.

32 **5. Application; actions.** This section applies only to  
actions in which the State or a political subdivision of the  
34 State is the plaintiff, including prosecutions for civil  
violations.

36 **6. Application; juries.** This section applies to juries  
38 impaneled on or after October 1, 2005.

40 **SUMMARY**

42 This bill enacts the Fully Informed Jury Act. It applies to  
44 all actions in which the defendant has a right to a jury trial  
and in which the State or a political subdivision of the State is  
46 the plaintiff.

48 This bill provides that the right to a trial by jury  
includes the right to inform the jury about the jury's power to  
50 judge the law as well as all the evidence. Failure to allow the  
defendant to inform the jury is grounds for a mistrial or a new  
52 trial.

2           A party may present evidence on the law, including its  
4           merit, intent, constitutionality or applicability, as well as the  
            motive, moral perspective or circumstances of the defendant.

6           This bill applies to juries impaneled on or after October 1,  
            2005.