

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 473

STATE OF MAINE.

The Committee on Legal Affairs to which was referred the bill, entitled "An Act defining and enlarging the duties of juries in trials of misdemeanors have had the same under consideration, and ask leave to report the same in a new draft under same title and that it ought to pass.

L. M. STAPLES,
L. A. BARKER,
A. D. McFAUL,
F. I. CAMPBELL,
S. J. KELLEY.

The Committee on Legal Affairs to which was referred the bill, entitled "An Act defining and enlarging the duties of juries in trials of misdemeanors have had the same under consideration, and ask leave to report that the same ought not to pass.

E. S. CLARK,
HOWARD PIERCE,
J. W. MANSON,
L. H. NEWCOMB,
H. W. OAKES.

NEW DRAFT.

Seventy-first Legislature.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT defining and enlarging the duties of juries in trials of
misdemeanors.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. In all cases where jury trial is demanded and
2 had, and where the accused is found guilty of any misde-
3 meanor where it is provided by statute that the punishment
4 may be fine or imprisonment, or both, the jury shall qualify
5 their verdict by stating therein whether the prisoner shall be
6 punished by fine or imprisonment, or both, and the presiding
7 justice shall then sentence the prisoner in accordance with
8 such qualified verdict, provided, that, before proceeding to
9 trial the attorney for the State or the attorney for the prisoner

10 shall have filed a motion addressed to the court asking for
11 such qualified verdict.

Sect. 2. If in any such case the jury shall find that only fine
2 shall be imposed the presiding justice may, in ordering pay-
3 ment of the same, also give an alternative sentence of impris-
4 onment provided the said fine is not paid; and if the jury find
5 a verdict of guilty and fail to agree upon the punishment or
6 do not declare such punishment by their verdict or assess an
7 unauthorized punishment the court must assess and declare
8 the punishment and render judgment accordingly.

Sect. 3. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
AUGUSTA, March 19, 1903.

Tabled pending acceptance either report, by Mr. CAMPBELL of
Cherryfield, and ordered printed.

W. S. COTTON, *Clerk*