

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 754

H. P. 1729

House of Representatives, March 14, 1935.

Reported by Mr. Philbrick from Committee on Judiciary, on motion by Mr. Mace of Augusta tabled pending acceptance of report, new draft ordered printed.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 1179, L. D. 385

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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AN ACT to Provide for Jury Commissioners.

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

**R. S., c. 120, amended.** Chapter 120 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Chapter 120. The Selection and Service of Jurors.

**Sec. 1. Jury commissioners, appointment.** The chief justice of the supreme judicial court shall appoint in the several counties of the state, 2 residents of each county who shall be jury commissioners within and for their respective counties and who shall serve for a term of 4 years from their appointment, subject to earlier removal at the pleasure of the chief justice. It shall be the duty of said jury commissioners to prepare a jury list, summon jurors for attendance at the several terms of the superior court in their respective counties, and to revise said list as often as they may deem it necessary.

**Sec. 2. Preparation of lists of persons qualified to serve as jurors.** The municipal officers of the several cities, towns and plantations shall, on re-

quest, send forthwith to said jury commissioners in their respective counties, a list of persons with their full names, occupations and post office addresses, whom they deem qualified for service as jurors. From the list received, or from such persons as may be known personally or by reputation to the commissioners, said commissioners shall select persons, who, in their judgment, are deemed qualified for jury service, and the names of persons finally selected shall be placed on a list kept by said commissioners. A copy of said list shall be deposited with the clerks of courts for their respective counties and shall, at all times during business hours, be open to public inspection.

The list shall contain such a number of names of persons, male and female, qualified for jury service as the commissioners shall deem necessary.

Selection of persons for jury service shall be based on their mental, moral and physical fitness. Persons rejected by said commissioners shall not be placed on said jury list for a period of at least 3 years.

Said commissioners may add names to such list as often as may be necessary to maintain the number herein provided. They may also drop from the list names of persons who, by reason of age, infirmity, death or other disability, could not reasonably be expected to serve as jurors if called and shall drop therefrom names of persons engaged in the unlawful traffic in intoxicating liquors, or who are known to be habitually addicted to the use of intoxicating liquors or who have been convicted of any scandalous crime or gross immorality.

**Sec. 3. Selection of jurors.** On receipt of written or verbal notice from the clerk or deputy clerk of courts of their respective counties, designating the number of jurors required and date on which they are to report for duty, said commissioners shall forthwith select, by such method as will give a fair and just distribution according to population, a sufficient number of persons to perform jury service at the prospective term. Such selection shall be made with reasonable allowances for supernumeraries and for unforeseen causes of inability to attend. Summonses for those so selected shall be prepared by said commissioners and mailed by registered mail, postage prepaid, to each person selected at his regular place of abode. A returned registered receipt shall be sufficient evidence that the person or persons so selected have received the above named summons. Additional jurors may in like manner be drawn and summoned at any time during a term of court by direction of the presiding justice, and they may be summoned to attend at such time as the court may direct. When, by reason of challenge or other cause, a sufficient number of jurors duly drawn and summoned cannot be obtained for the trial of a cause, the court shall cause

jurors to be returned from the bystanders, or from the county at large, to complete the panel. Such jurors shall be returned by the sheriff or his deputy, or such other disinterested person as the court appoints. Grand jurors shall be selected in like manner prior to the first term of the superior court to be held for the transaction of criminal business on or after the 1st day of September annually, and grand jurors shall serve at each criminal term during the year. When the number of grand jurors is reduced by death or otherwise, additional grand jurors may be selected and summoned under direction of the court at any time.

**Sec. 4. Fine for failure to attend as juror.** Any person summoned and in court as a juror shall if satisfactory to the court, be competent to sit as a juror, and no verdict shall be attacked by reason of any irregularity or informality in selecting or summoning a juror. Any juror, who, after being notified, unnecessarily fails in his attendance, shall be fined as for contempt, not exceeding \$20.

**Sec. 5. Persons exempt from serving as jurors.** The following persons are exempt from serving as jurors, and their names shall not be placed on the list: the governor, councilors, judges, clerks and deputy clerks of common law courts, secretary and treasurer of the state, all officers of the United States, judges and registers of probate, registers of deeds, settled ministers of the gospel, officers of colleges, school teachers, physicians and surgeons, nurses, cashiers of incorporated banks, sheriffs and their deputies, counselors and attorneys at law, county commissioners, county treasurers, constables.

**Sec. 6. Salaries.** The jury commissioners for the several counties shall each receive for their services the following sums per year, and expenses, viz: Androscoggin, \$100; Aroostook, \$75; Cumberland, \$125; Franklin, \$50; Hancock, \$50; Kennebec, \$100; Knox, \$50; Lincoln, \$50; Oxford, \$50; Penobscot, \$100; Piscataquis, \$50; Sagadahoc, \$50; Somerset, \$50; Waldo, \$50; Washington, \$50; York, \$50.

Said salaries shall be paid by the respective counties in quarterly payments, on the last day of each quarter, and their expenses shall be paid from time to time by the respective counties on bills approved by a justice of the superior court.'