

# MAINE STATE LEGISLATURE

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## CHAPTER 111.

## The Selection and Service of Jurors.

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## List of Jurors; Its Preparation.

**Sec. 1. Board for preparing list of jurors; action of town. R. S. c. 108, § 1.** The municipal officers, treasurer and clerk of each town, constitute a board for preparing lists of jurors to be laid before the town for their approval; and the town, in legal town meeting, by a majority of the voters assembled, may strike out such names as they think proper from such lists, but shall not insert any others.

See § 16.

**Sec. 2. Preparation of lists of persons qualified to serve as jurors; indorsement on old tickets transferred to new. R. S. c. 108, § 2.** Such board, at least once in every three years, shall prepare a list of persons, under the age of seventy years, qualified to serve as jurors; and in preparing such list they shall take the names of such persons only as are of good moral character, of approved integrity, of sound judgment and well informed, and qualified as the constitution directs to vote for representatives in such town. When a new list is made, the municipal officers shall transfer from the old to the new tickets of the same persons, the minutes of the draft made within the three preceding years.

79 Me. 126.

**Sec. 3. Persons exempted from serving as jurors. R. S. c. 108, § 3.** The following persons are exempt from serving as jurors, and their names shall not be placed on the lists; the governor, councilors, judges and 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, preceptors of incorporated academies, physicians and surgeons, cashiers of incorporated banks, sheriffs and their deputies, coroners, counselors and attorneys at law, county commissioners, constables, all persons engaged in the unlawful traffic in intoxicating liquors, or who are known to be habitually addicted to the use of intoxicating liquors as a beverage, and constant ferrymen.

See c. 15, § 110; c. 30, § 3; 26 Me. 360; 79 Me. 120.

**Sec. 4. Tickets of names kept in jury-box, liable to be drawn once in three years. R. S. c. 108, § 4.** After the list of jurors is approved by the town, the board shall write their names upon tickets, and place them in the jury-box, to be kept by the town clerk; and the persons whose names are in the box are liable to be drawn and to serve on any jury, at any court for

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which they are drawn, once in every three years and not oftener, except as herein provided.

**Sec. 5. Number kept in jury-box; for what causes, names may be withdrawn.** R. S. c. 108, § 5. Each town shall provide, and constantly keep in the box, a number of names ready to be drawn when required, not less than one nor more than two for every hundred persons in the town, according to the census taken next before preparing the box; and the board shall withdraw from it the name of any person convicted of any scandalous crime, or guilty of any gross immorality.

See § 16; 64 Me. 549.

**Sec. 6. Counties divided into jury districts.** R. S. c. 108, § 6. Within one year after every new census, and oftener if a considerable change of population renders it proper, the county commissioners shall divide their county into not less than four, nor more than twelve districts numerically designated; and they shall place as many adjoining towns in each district, as will make the number of inhabitants in each, according to the last census, as nearly equal as may be, without dividing a town; and shall deliver a copy of such division immediately to the clerk of courts in their county.

65 Me. 161.

**Sec. 7. Rule by which the clerk shall issue venires.** R. S. c. 108, § 7. The grand and traverse jurors shall be drawn from each jury district in such manner as to cause jurors, at each term of court, to come from every part of the county as equally as may be, and so far as practicable, from every town in rotation, having regard to the number of its inhabitants, taking not more than two grand jurors and two traverse jurors from the same town at the same time, unless from necessity, or some extraordinary cause, or to equalize the service; and the clerk of courts shall issue venires to the constables of towns and organized plantations, and the constables, marshals and deputy marshals of cities accordingly.

#### Issue and Service of Venires.

**Sec. 8. Venires for grand jurors; for traverse jurors.** R. S. c. 108, § 8. 1915, c. 322, § 2. Venires for grand jurors to serve at the terms of the supreme judicial court, shall be issued annually by each clerk for his respective county, forty days at least before the first criminal term to be held in said county on or after the first day of September; and the grand jurors shall serve at each term for the transaction of criminal business, during the year. Venires for traverse jurors, shall be seasonably issued before each term of the court, and at such other times, as the court orders.

See c. 82, § 91; 66 Me. 148; 67 Me. 332.

**Sec. 9. Distribution of venires and notice of meetings to draw jurors.** R. S. c. 108, § 9. 1905, c. 133. 1915, c. 322, § 3. The constables of the towns and organized plantations, and the constables, marshals or deputy marshals of cities, on receipt of such venires, shall notify the voters of the town, organized plantation or city, and especially the municipal officers and town, plantation and city clerk, by posting notices in two public and conspicuous places therein, and by delivering to at least two of the municipal officers and the town, plantation or city clerk written notice of said

meeting at least four days before such meeting to assemble and be present at the draft of jurors called for, which shall be fourteen days at least before the time when they are ordered to attend court.

64 Me. 533; 67 Me. 335.

**Sec. 10. Grand jurors irregularly drawn or incompetent shall be discharged by court. Vacancies, how filled. R. S. c. 108, § 10. 1915, c. 322, § 4.** When any justice of the court in term time or vacation, is satisfied that any persons returned or acting on the grand jury, were irregularly drawn, or are otherwise incompetent to act thereon, he shall discharge them, and send a certificate stating their names, to the clerk of courts for such county, which shall be recorded by him, and ordering him to issue venire for such number of new jurors, as the justice deems necessary. The clerk shall issue venire as directed, which shall be served ten days at least before the time when such jurors are ordered to attend court, and the jurors thus drawn shall serve, with those not discharged, for the remainder of the year. When the number of grand jurors is reduced by death or otherwise, such justice shall direct venire to be issued and served as aforesaid, for the additional number that he deems necessary to serve for the remainder of the year.

#### Draft of Jurors; Their Attendance.

**Sec. 11. Mode of drawing jurors. R. S. c. 108, § 11.** The town clerk, or, in his absence, one of the municipal officers, shall carry the jury-box into the meeting, and it shall there be unlocked, and the tickets mixed by a majority of said officers present; one of them shall draw out as many tickets as there are jurors required; and the persons whose names are drawn shall be returned as jurors, unless they have served on the jury within three years, or, from sickness, or absence beyond sea, or without the limits, or in distant parts of the state, they are considered by the town unable to attend.

See § 16.

**Sec. 12. The same subject. R. S. c. 108, § 12.** In either of said cases, or if a person is drawn who has been appointed to an office exempting him from serving, others shall be drawn in their stead; but any person thus excused, or returned and attending court, and there excused, shall not be excused on another draft, although within three years; and when all the persons, whose names are in the box, have served within three years, or are not liable to serve, the selectmen shall draw out the required number of those who have not served for eighteen months; and the clerk shall certify on the venire, that all persons whose names are in the box have served within three years, or are not liable to serve.

**Sec. 13. Date of draft to be indorsed on ticket. R. S. c. 108, § 13.** When a juror is drawn and not excused by the town, the municipal officers who drew his ticket shall indorse thereon the date of the draft and return it into the box.

**Sec. 14. Notice to jurors, and return of venire. R. S. c. 108, § 14. 1915, c. 322, § 5.** A constable of a town or organized plantation, or the constables, marshals or deputy marshals of cities, shall notify the persons thus drawn ten days at least before the sitting of the court by giving them

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in hand, or leaving at their usual place of abode a written notice that they have been drawn, and of the time and place of the sitting of the court where they must attend; and shall make a seasonable return of the venire with his doings thereon.

5 Me. 335.

**Sec. 15. Attendance by jurors.** R. S. c. 108, § 15. The grand and traverse jurors shall attend on the first day of the term for which they are drawn and summoned, unless the court designates a different day; and if so, the venire shall specify such day.

**Sec. 16. Application to organized plantation.** 1905, c. 82. The provisions of this chapter in relation to the selection and service of jurors, shall apply to organized plantations as well as to towns and cities.

## Penalties.

**Sec. 17. Penalty for neglect of town officers and clerk.** R. S. c. 108, § 16. If the municipal officers or town clerk neglect to perform their duties herein required, so that the jurors called for from their town are not returned, they shall be fined not less than ten, nor more than fifty dollars each.

**Sec. 18. Of constable, or of town.** R. S. c. 108, § 17. Any constable, neglecting to perform his duties herein required, shall be fined not exceeding twenty dollars; and any town for a like neglect of its duties shall be fined not exceeding one hundred dollars.

**Sec. 19. Of clerk, or of sheriff.** R. S. c. 108, § 18. If the clerk of courts or sheriff, neglects to perform his duties so as to prevent a compliance with any of the provisions of this chapter, he shall be fined not exceeding fifty dollars.

67 Me. 335.

**Sec. 20. Neglect of juror to attend.** R. S. c. 108, § 19. Any juror, who, after being notified and returned, unnecessarily fails in his attendance, shall be fined as for contempt, not exceeding twenty dollars.

**Sec. 21. Penalty for fraud by town officers.** R. S. c. 108, § 20. Any town clerk or municipal officer, who commits a fraud on the box previous to the draft, in drawing a juror or in returning a name, which had been fairly drawn, into the box, and drawing another in its stead, or in any other mode, shall be fined not exceeding two hundred dollars.