

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

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Maine Jury Innovations

1. Note Taking

The court in its discretion may allow jurors to take handwritten notes during the course of the trial. If note-taking is allowed, the court shall instruct the jury on the note-taking procedure and on the appropriate use of the notes. Unless the court determines that special circumstances exist that should preclude it, jurors should be allowed to take their notes into the jury room and use them during deliberations. Counsel may not request or suggest to a jury that jurors take notes or comment upon their note-taking. Upon the completion of jury deliberations, the notes shall be immediately collected and, without inspection, physically destroyed under the court's direction.

Me. R. Civ. P. 47(e) (2005)

2. Juror Handbooks/Notebooks

N/A

3. Juror Questions and Questioning of Witnesses

N/A

4. Juror Pay/Compensation

Mileage and compensation of jurors

A juror is entitled to paid mileage at the rate of 15¢ per mile for travel expenses from the juror's residence to the place of holding court and return and to compensation at the rate of \$ 10 for each day of required attendance at sessions of the court.

14 M.R.S. § 1215 (2005)

<http://janus.state.me.us/legis/statutes/14/title14sec1215.html>

An employer may not deprive an employee of employment or health insurance coverage, or threaten or otherwise coerce the employee with respect to loss of employment or health insurance coverage, because the employee receives a summons for jury service, responds to a summons for jury service, serves as a juror or attends court for prospective jury service.

14 M.R.S. § 1218 (2005)

<http://janus.state.me.us/legis/statutes/14/title14sec1218.html>

5. Alternate Jurors

The court may direct that not more than three jurors in addition to the regular panel be called and impaneled to sit as alternate jurors as provided by law. The manner and order of exercising peremptory challenges to alternate jurors shall be the same as provided for peremptory challenges of regular jurors. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by this rule if one or two alternate jurors are to be impaneled, and two peremptory challenges if three alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by this rule shall not be used against an alternate juror.

Me. R. Civ. P. 47(d) (2005)

http://www.courts.state.me.us/rules_forms_fees/rules/MRCivP%207-04.htm

6. Discussions pre-deliberation

N/A

7. Deliberation

N/A

8. Length of Service

In any 5-year period a person shall not be required: To serve or attend court for prospective service as a traverse juror more than 15 court days, except if necessary to complete service in a particular case; to serve on more than one grand jury; or to serve as both a grand and traverse juror.

14 M.R.S. § 1216 (2005)

<http://janus.state.me.us/legis/statutes/14/title14sec1216.html>

9. Length of Time Restrictions on Trials

N/A

10. Judge's Responses to Jury Questions

N/A

11. Jury Size

All civil trials by jury shall be to juries consisting of eight or nine jurors unless the parties thereto stipulate that the jury may consist of any number of jurors less than eight. The parties may also stipulate that the verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury. Any stipulation as to the number of the jury shall also provide whether and by what amount the number of peremptory challenges to be allowed shall be reduced.

Unless stipulated by the parties, no jury shall be seated with less than eight members. Where personal emergency or disqualification causes a juror to be excused after the jury is seated, no verdict may be taken from a jury reduced to fewer than seven members, unless stipulated by the parties.

Me. R. Civ. P. 48(b) (2005)

http://www.courts.state.me.us/rules_forms_fees/rules/MRCivP%207-04.htm)

12. Number of Jurors Needed to Return a Verdict

A number of jurors equal to at least two-thirds of the total number of jurors serving on a jury may agree on a verdict or any finding submitted to the jury and return it into court as the verdict or finding of the jury, unless otherwise agreed by the parties in accordance with subdivision (b) of this rule. The court shall so instruct the jury.

Me. R. Civ. P. 48(a) (2005)

http://www.courts.state.me.us/rules_forms_fees/rules/MRCivP%207-04.htm)

13. Juror Admonition

N/A

14. Jury Nullification

N/A

15. The Use of Plain English

N/A

16. Absence of the Jury

N/A

17. Jury Instructions

In an action tried to a jury, at the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. The court shall inform counsel of its proposed action upon the requests prior to their arguments to the jury. The court, at its election, may instruct the jury before or after argument, or both. No party may assign as error the giving or the failure to give an instruction unless the party objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which the party objects and the grounds of the objection. Opportunity shall be given to make the objection out of the hearing of the jury.

Me. R. Civ. P. 51(b) (2005)

http://www.courts.state.me.us/rules_forms_fees/rules/MRCivP%207-04.htm

18. Child-Care for Jurors

N/A

19. Jury Room

N/A

20. Accommodation

N/A

21. Juror's Bill of Rights

N/A

22. Materials Permitted in Possession of the Jury

N/A

23. Various Rules

Jury Pools

The Superior Court in each county maintains a source list, which is used for the random selection of prospective jurors. Names are placed on the list from three sources:

- 1) The lists of licensed drivers,
- 2) Persons issued an identification card by the Secretary of State, and
- 3) Persons who notify the [Clerk of the Superior Court in the county of their residence](#) and who request to have their name placed on the source list of prospective jurors.

<http://www.courts.state.me.us/jurors/selection.html>

24. Various Recommendations

N/A