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*Testimony of Rep. Adam Lee presenting*

## **LD 338, An Act to Increase the Size and Balance of Jury Pools**

*Before the Joint Standing Committee on Judiciary*

Senator Carney, Representative Kuhn and distinguished colleagues of the Joint Standing Committee on Judiciary, I am Adam Lee, and I represent House District 89 which is Downtown Auburn and New Auburn. I'm here to introduce **LD 338, An Act to Increase the Size and Balance of Jury Pools.**

The Sixth Amendment to the United States Constitution provides that, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

This bill deals with the very important right that the jury in front of whom one is tried is impartial and composed of residents of the state and district where the crime occurred. In Maine, our Constitution at Article I, Sec. 6 puts this even more succinctly as "an impartial jury of the vicinity." This has been referred to as the right to have a jury of one's peers. I would not be me if I didn't offer an obscure historical reference. That language, "a jury of one's peers," dates back to 1215 and the Magna Carta. Quite simply, it contains the fundamental radical notion that people should be tried for crimes by each other and not a King.

Currently, jury pools are compiled from driver license and voter registration records. This limited approach creates an unintended bias, as many citizens either aren't registered to vote or have outdated license information. Consequently, jury summonses often reach only a narrow segment of our community. They also frequently have the effect of excluding people on the basis of age and income. Also frequently, the address information is outdated, and the summons never reaches its intended target.

The obligation to serve as a member of a jury is fundamental to our democracy – and it should not be exclusively required of those who are registered to vote or have a driver's license. The obligation of jury service, and expanding the reach of those included in service, is also essential to our justice system by ensuring that more and different people are included in the pool. Both

systems function best with broad participation. Juries that fully and accurately reflect the whole of the district are crucial for justice and self-government. Larger jury pools also bring together varied life experiences and perspectives. When our jury pools fail to reflect our full population, we compromise the integrity of our justice system.

LD 338 addresses this by expanding jury pool sources to include registered voters, state income tax form recipients, public assistance beneficiaries and unemployment compensation recipients. This expansion will create a more fulsome and accurately representative jury selection process.

I urge the committee to support this bill to ensure our jury selection process is both fair and representative of our community.

Thank you for your consideration, and I'd be happy to answer any questions.