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Legislative Document

No. 1811

H.P. 1212

House of Representatives, April 29, 2025

An Act Regarding the Submission of Documents for Protection from Abuse and Protection from Harassment Cases

Received by the Clerk of the House on April 25, 2025. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

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

2 **Sec. 1. 5 MRSA §4653, sub-§4** is enacted to read:

3 **4. Exemption from complaint filing fee.** The court may not charge a fee for the filing
4 of a complaint in which the plaintiff swears that the complaint involves an allegation of
5 domestic or dating violence, sexual assault, stalking, sex trafficking or unlawful
6 dissemination of certain private images.

7 **Sec. 2. 5 MRSA §4658, sub-§6** is enacted to read:

8 **6. Filing via e-mail.** Notwithstanding any provision of law to the contrary, the court
9 shall accept the filing by e-mail in accordance with the requirements of this section of all
10 documents in protection from harassment cases under this chapter except for complaints,
11 motions to modify, motions to extend and motions for contempt filed in cases that are not
12 exempt from the complaint filing fee under section 4653, subsection 4.

13 A. The party or the party's attorney submitting a document for filing by e-mail shall
14 submit the document in a file format approved by the court and to the e-mail address
15 established by the judicial branch for receipt of protection from harassment filings by
16 the District Court with jurisdiction over the case. The judicial branch shall specify the
17 approved file formats and applicable e-mail addresses on its publicly accessible
18 website, on all relevant court forms and in all public educational materials for
19 protection from harassment proceedings.

20 B. Each document filed by e-mail must contain an electronic signature of the attorney
21 or party filing the document either through a captured image of the attorney's or party's
22 signature incorporated into the document or through the name of the attorney or party
23 appearing on the document's signature line preceded by "/s/". An electronic signature
24 of a party need not be notarized if the party's electronic signature appears directly below
25 a declaration on the document stating the following:

26 "I swear under penalty of perjury that the above statements are true and correct. I
27 understand that these statements are made for use as evidence in court and that I may
28 be subject to prosecution for perjury punishable by up to 5 years in prison and a fine of
29 up to \$5,000 if I give false information to the court."

30 An electronic signature that complies with the requirements of this paragraph has the
31 same force and effect as if the attorney or the party had signed and filed with the court
32 a paper copy of the same document.

33 C. The subject line of the e-mail must list the docket number of the case except that, if
34 there is no docket number, the subject line must contain the names of the parties to the
35 case.

36 D. A document filed by e-mail must be accompanied by a cover sheet containing, with
37 respect to the person who electronically signed the document, that person's name,
38 address, telephone number, e-mail address and, if the person is an attorney, the name
39 of the attorney's law firm and the attorney's Maine Bar registration number. If the
40 person who electronically signed the document is a party who has submitted an
41 affidavit or pleading under oath pursuant to Title 4, section 8-B, subsection 2,
42 paragraph B, the party may write "confidential address" in the address space on the
43 cover sheet. The judicial branch shall provide a copy of a sample cover sheet on its

1 publicly accessible website, with all relevant court forms and in all public educational
2 materials for protection from harassment proceedings.

3 E. The filing date for all documents submitted by e-mail as authorized in this subsection
4 must be the day, beginning at 12:00 a.m. and ending at 11:59:59 p.m., of the date that
5 the document was submitted, except that, if a document is submitted on a Saturday,
6 Sunday or legal holiday, the filing date is the next day that is not a Saturday, Sunday
7 or legal holiday.

8 F. A party or party's attorney may not mail or deliver to the court a paper copy of any
9 document filed by e-mail.

10 G. A party or party's attorney may not include within an e-mail submitted to the court
11 any argument or dialogue between or among the parties.

12 Any e-mail filing that does not comply with the requirements of this subsection must be
13 rejected and not docketed by the court clerk.

14 **Sec. 3. 5 MRSA §4658, sub-§7** is enacted to read:

15 **7. Review of complaints and motions to extend filed by e-mail.** A complaint or a
16 motion to extend that is filed by e-mail in accordance with the requirements of subsection
17 6 and is submitted before 3:00 p.m. on a day other than a Saturday, Sunday or a legal
18 holiday must be presented to a judicial officer, as described in section 4652, for review and
19 determination on the same day. A complaint or a motion to extend that is filed by e-mail in
20 accordance with the requirements of subsection 6 and is submitted after 3:00 p.m. on a day
21 that is not a Saturday, Sunday or a legal holiday must be presented to a judicial officer, as
22 described in section 4652, for review and determination on the next day that is not a
23 Saturday, Sunday or a legal holiday.

24 **Sec. 4. 5 MRSA §4658, sub-§8** is enacted to read:

25 **8. Service of documents filed by e-mail.** The court shall arrange for the service by a
26 law enforcement officer of a complaint or a motion to extend that is filed by e-mail in
27 accordance with the requirements of subsection 6. With respect to any other document that
28 is filed by e-mail in accordance with the requirements of subsection 6:

29 A. If both parties are represented by counsel, the filing attorney shall copy the opposing
30 counsel on the e-mail submitted to the court under subsection 6;

31 B. If the filing party is represented by counsel but the opposing party is not represented
32 by counsel, the filing attorney shall send a copy of the filed document to the opposing
33 party by regular mail. If the filing party is not represented by counsel but the opposing
34 party is represented by counsel, the filing party shall send a copy of the filed document
35 to the opposing party's counsel by regular mail; or

36 C. If neither party is represented by counsel, the filing party may not copy the opposing
37 party on the e-mail or send the filed document to the opposing party by regular mail.
38 Instead, the court shall send a copy of the filed document to the opposing party by
39 regular mail.

40 **Sec. 5. 5 MRSA §4658, sub-§9** is enacted to read:

41 **9. Response to motion to continue filed by e-mail.** Notwithstanding any provision
42 of law to the contrary, the opposing party shall file a response within 3 days from the date

1 that a motion to continue is filed by e-mail in accordance with the requirements of
2 subsection 6.

3 **Sec. 6. 19-A MRSA §4106, sub-§8** is enacted to read:

4 **8. Filing via e-mail.** Notwithstanding any provision of law to the contrary, the court
5 shall accept the filing by e-mail in accordance with the requirements of this section of all
6 documents in protection from abuse cases.

7 A. The party or the party's attorney submitting a document for filing by e-mail shall
8 submit the document in a file format approved by the court and to the e-mail address
9 established by the judicial branch for receipt of protection from abuse filings by the
10 District Court with jurisdiction over the case. The judicial branch shall specify the
11 approved file formats and applicable e-mail addresses on its publicly accessible
12 website, on all relevant court forms and in all public educational materials for
13 protection from abuse proceedings.

14 B. Each document filed by e-mail must contain an electronic signature of the attorney
15 or party filing the document either through a captured image of the attorney's or party's
16 signature incorporated into the document or through the name of the attorney or party
17 appearing on the document's signature line preceded by "/s/". An electronic signature
18 of a party need not be notarized if the party's electronic signature appears directly below
19 a declaration on the document stating the following:

20 "I swear under penalty of perjury that the above statements are true and correct. I
21 understand that these statements are made for use as evidence in court and that I may
22 be subject to prosecution for perjury punishable by up to 5 years in prison and a fine of
23 up to \$5,000 if I give false information to the court."

24 An electronic signature that complies with the requirements of this paragraph has the
25 same force and effect as if the attorney or the party had signed and filed with the court
26 a paper copy of the same document.

27 C. The subject line of the e-mail must list the docket number of the case except that, if
28 there is no docket number, the subject line must contain the names of the parties to the
29 case.

30 D. A document filed by e-mail must be accompanied by a cover sheet containing, with
31 respect to the person who electronically signed the document, that person's name,
32 address, telephone number, e-mail address and, if the person is an attorney, the name
33 of the attorney's law firm and the attorney's Maine Bar registration number. If the
34 person who electronically signed the document is a party who has submitted an
35 affidavit or pleading under oath pursuant to Title 4, section 8-B, subsection 2,
36 paragraph B, the party may write "confidential address" in the address space on the
37 cover sheet. The judicial branch shall provide a copy of a sample cover sheet on its
38 publicly accessible website, with all relevant court forms and in all public educational
39 materials for protection from abuse proceedings.

40 E. The filing date for all documents submitted by e-mail as authorized in this subsection
41 must be the day, beginning at 12:00 a.m. and ending at 11:59:59 p.m., of the date that
42 the document was submitted, except that, if a document is submitted on a Saturday,
43 Sunday or legal holiday, the filing date is the next day that is not a Saturday, Sunday
44 or legal holiday.

1 F. A party or party's attorney may not mail or deliver to the court a paper copy of any
2 document filed by e-mail.

3 G. A party or party's attorney may not include within an e-mail submitted to the court
4 any argument or dialogue between or among the parties.

5 Any e-mail filing that does not comply with the requirements of this subsection must be
6 rejected and not docketed by the court clerk.

7 **Sec. 7. 19-A MRSA §4106, sub-§9** is enacted to read:

8 **9. Review of complaints and motions to extend filed by e-mail.** A complaint or a
9 motion to extend that is filed by e-mail in accordance with the requirements of subsection
10 8 and is submitted before 3:00 p.m. on a day other than a Saturday, Sunday or a legal
11 holiday must be presented to a judicial officer, as described in section 4104, for review and
12 determination on the same day. A complaint or a motion to extend that is filed by e-mail in
13 accordance with the requirements of subsection 8 and is submitted after 3:00 p.m. on a day
14 that is not a Saturday, Sunday or a legal holiday must be presented to a judicial officer, as
15 described in section 4104, for review and determination on the next day that is not a
16 Saturday, Sunday or a legal holiday.

17 **Sec. 8. 19-A MRSA §4106, sub-§10** is enacted to read:

18 **10. Service of documents filed by e-mail.** The court shall arrange for the service by
19 a law enforcement officer of a complaint or a motion to extend that is filed by e-mail in
20 accordance with the requirements of subsection 8. With respect to any other document that
21 is filed by e-mail in accordance with the requirements of subsection 8:

22 A. If both parties are represented by counsel, the filing attorney shall copy opposing
23 counsel on the e-mail submitted to the court under subsection 8;

24 B. If the filing party is represented by counsel but the opposing party is not represented
25 by counsel, the filing attorney shall send a copy of the filed document to the opposing
26 party by regular mail. If the filing party is not represented by counsel but the opposing
27 party is represented by counsel, the filing party shall send a copy of the filed document
28 to the opposing party's counsel by regular mail; or

29 C. If neither party is represented by counsel, the filing party may not copy the opposing
30 party on the e-mail or send the filed document to the opposing party by regular mail.
31 Instead, the court shall send a copy of the filed document to the opposing party by
32 regular mail.

33 **Sec. 9. 19-A MRSA §4106, sub-§11** is enacted to read:

34 **11. Response to motion to continue filed by e-mail.** Notwithstanding any provision
35 of law to the contrary, the opposing party must file a response within 3 days from the date
36 that a motion to continue is filed by e-mail in accordance with the requirements of
37 subsection 8.

38 SUMMARY

39 This bill authorizes and establishes the procedures for the filing by e-mail of all
40 documents submitted in protection from abuse proceedings. It also authorizes and
41 establishes the procedures for the filing by e-mail of all documents in protection from

1 harassment proceedings other than complaints, motions to extend, motions to modify and
2 motions for contempt in cases that do not involve allegations of domestic violence, sexual
3 assault, stalking, sex trafficking or unauthorized dissemination of certain private images.