TITLE 4

JUDICIARY

CHAPTER 1

SUPREME JUDICIAL COURT

SUBCHAPTER 1

CONSTITUTION AND GENERAL JURISDICTION

§1. Constitution of the court; administrative responsibilities of the court and the Chief Justice

The Supreme Judicial Court, as heretofore established, consists of a Chief Justice and 6 associate justices and such Active Retired Justices as may be appointed and serving on said court, learned in the law and of sobriety of manners. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

The Chief Justice is the head of the judicial branch of the State. In the event of the Chief Justice's disability for any cause, the senior associate, not under disability, shall perform any and all of the duties of the Chief Justice. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

The Supreme Judicial Court has general administrative and supervisory authority over the judicial branch and shall make and promulgate rules, regulations and orders governing the administration of the judicial branch. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

The Chief Justice, as head of the judicial branch, shall prepare the budget for the judicial branch. The Chief Justice may approve financial orders for transfers and revisions of and increases to allotment within the judicial branch in accordance with procedures for financial orders established in the executive branch. The Chief Justice shall provide a copy of each approved financial order to the Department of Administrative and Financial Services, Bureau of the Budget and the Office of Fiscal and Program Review. [PL 2011, c. 655, Pt. W, §1 (AMD).]

The Chief Justice, as the head of the judicial branch, shall, in accordance with the rules, regulations and orders of the Supreme Judicial Court, be responsible for the efficient operation of the judicial branch and for the expeditious dispatch of litigation therein and for the proper conduct of business in all courts. The Chief Justice may require reports from all courts in the State and may issue orders and regulations necessary for the efficient operation of the judicial branch and the prompt and proper administration of justice. [PL 2009, c. 213, Pt. QQ, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §1 (RPR). PL 1975, c. 623, §§3-A (AMD). PL 2009, c. 213, Pt. QQ, §1 (AMD). PL 2011, c. 655, Pt. W, §1 (AMD).

§2. Appointment of additional justices

Whenever the Chief Justice of the Supreme Judicial Court or, in the event of the Chief Justice's disability, any associate justice thereof has reason to believe that any Justice of the Supreme Judicial or Superior Court is totally and permanently disabled by reason of physical or mental incapacity and because thereof is unable to perform the duties of the office, the Chief Justice or associate justice shall cause a commission of 3 competent disinterested members of the medical profession to make due inquiry and examination into the facts and report the results of the inquiry to the Supreme Judicial Court. Upon receiving the report, the Chief Justice or associate justice shall call a meeting of the

Supreme Judicial Court and submit to it the report of the medical commission. The court shall, based on the report and other evidence they may consider necessary, if any, determine the facts. If the court finds that the Justice of the Supreme Judicial or Superior Court is permanently and totally disabled by reason of physical or mental incapacity and because of the disability is unable to perform the duties of the office, the Chief Justice shall certify that fact to the Governor. Upon receipt of a certificate from the court, the Governor shall make due inquiry into the matter and, if the Governor confirms the finding of the court, the Governor shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be. [PL 2019, c. 475, §33 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §16 (AMD). PL 1979, c. 127, §6 (AMD). PL 2019, c. 475, §33 (AMD).

§2-A. Justice of the Supreme Judicial Court to sit in District Court

The Chief Justice of the Supreme Judicial Court may assign a Justice or Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court or the District Court, and when so directed the justice has authority and jurisdiction in the Superior Court or the District Court as if the justice were a regular justice or judge of that court. When assigned under this section, the justice may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court or Judge of the District Court is authorized to hear and issue. [PL 2001, c. 69, §1 (AMD).]

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court or the District Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by that justice. [PL 2001, c. 69, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 683, §E1 (NEW). PL 1999, c. 547, §B1 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 69, §1 (AMD).

§3. When vacancies shall not be filled

No vacancy in the Supreme Judicial or Superior Court caused by the death or expiration of the term of said incapacitated justice shall be filled, if thereby the number of justices qualified and capable of acting would be in excess of that otherwise provided by law as constituting said court.

§4. Salary of justices; expenses

1. Chief justice; salary. The Chief Justice of the Supreme Judicial Court is entitled to receive a salary, for fiscal year 1998-99 and thereafter, of $111,000, to be paid biweekly.
[PL 1997, c. 643, Pt. M, §1 (AMD).]

2. Associate justice; salary. Each Associate Justice of the Supreme Judicial Court shall receive a salary as follows:

A. For fiscal year 1998-99 and thereafter, $96,000, to be paid biweekly. [PL 1997, c. 643, Pt. M, §2 (RPR).]

B. [PL 1989, c. 596, Pt. C, §§1, 8 (RP).]

C. [PL 1989, c. 501, Pt. O, §§9, 22 (RP).]

D. [PL 1989, c. 501, Pt. O, §§9, 22 (RP).]

E. [PL 1989, c. 501, Pt. O, §§9, 22 (RP).]
[PL 1997, c. 643, Pt. M, §2 (AMD).]

2-A. Cost-of-living adjustment. Effective July 1, 1999 and every July 1st thereafter, the State Court Administrator shall adjust the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by any percentage change in the Consumer Price Index from

January 1st to December 31st of the previous year, but only to a maximum increase of 3%. The State Court Administrator shall determine the cost of these adjustments; notify the State Budget Officer and the Director of the Office of Fiscal and Program Review of these costs; and include them in the Judicial Department's budget requests, as necessary. For purposes of this subsection, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967=100, as compiled by the United States Department of Labor, Bureau of Labor Statistics or, if the index is revised or superseded, the Consumer Price Index is the index represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar by consumers.
[PL 2013, c. 563, §1 (AMD).]

3. Expenses. Expenses shall be governed as follows.

A. Each justice must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for those expenses, as established by judicial branch policy, actually and reasonably incurred in attending meetings and the sessions of the court and the Law Court. Reimbursement for mileage must be paid at the rate paid state employees under Title 5, section 8. [PL 2007, c. 539, Pt. JJ, §1 (AMD).]

B. Each justice of the court must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for clerical assistance, postage, stationery, express and telephone tolls and any other reasonably necessary expenses actually and reasonably incurred by that justice. [RR 2021, c. 1, Pt. B, §1 (COR).]

C. The Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may prescribe regulations for the submission of the required statements through the Chief Justice's office and for the advance approval by the Chief Justice of other reasonably necessary expenses. [PL 2019, c. 475, §34 (AMD).]
[RR 2021, c. 1, Pt. B, §1 (COR).]

4. Exception. The salary provisions of this section shall not apply to justices who have retired prior to December 1, 1984.
[PL 1983, c. 853, Pt. C, §§4, 18 (NEW).]

SECTION HISTORY

PL 1965, c. 412, §5 (AMD). PL 1967, c. 476, §3 (AMD). PL 1969, c. 580, §1 (AMD). P&SL 1971, c. 179, §M1 (AMD). P&SL 1973, c. 209, §5 (AMD). PL 1973, c. 509, §4 (AMD). PL 1975, c. 383, §1 (AMD). PL 1975, c. 408, §§2,3 (AMD). PL 1975, c. 735, §1 (AMD). PL 1977, c. 696, §19 (AMD). PL 1979, c. 127, §§7,8 (AMD). PL 1979, c. 544, §5 (AMD). PL 1979, c. 663, §5 (AMD). PL 1981, c. 486, §1 (AMD). PL 1983, c. 477, Pt. E, Subpt. 1, §1 (AMD). PL 1983, c. 853, §§C4,18 (RPR). PL 1983, c. 863, §§B5,B45 (AMD). PL 1989, c. 501, §§O9,10,22 (AMD). PL 1989, c. 596, §C1 (AMD). PL 1989, c. 596, §§C1,8 (AMD). PL 1989, c. 878, §§D14,15 (AMD). PL 1991, c. 780, §X1 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 1993, c. 410, §X1 (AMD). PL 1997, c. 643, §§M1-3 (AMD). PL 2007, c. 539, Pt. JJ, §1 (AMD). PL 2013, c. 563, §1 (AMD). PL 2019, c. 475, §34 (AMD). RR 2021, c. 1, Pt. B, §1 (COR).

§5. Compensation of justices upon retirement

(REPEALED)

SECTION HISTORY

PL 1965, c. 442, §1 (AMD). PL 1967, c. 494, §§1,29 (AMD). PL 1969, c. 466, §1 (AMD). PL 1969, c. 469, §§1,2 (AMD). PL 1971, c. 64, §1 (AMD). PL 1975, c. 701, §§1,2 (AMD). PL 1981, c. 488, §§1,2 (AMD). PL 1983, c. 167, §1 (AMD). PL 1983, c. 853, §§C5,18 (RP).

§6. Active Retired Justices

Any Justice of the Supreme Judicial Court, who has retired from the court under this chapter in effect prior to December 1, 1984, or any Justice of the Supreme Judicial Court who retires or terminates service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Justice of the Supreme Judicial Court as provided. The Governor may, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, appoint any eligible justice as an Active Retired Justice of the Supreme Judicial Court for a term of 7 years, unless sooner removed, and that justice may be reappointed for a like term. Any justice appointed and designated as an Active Retired Justice of the Supreme Judicial Court constitutes a part of the court from which the Justice retired and has the same jurisdiction and is subject to the same restrictions as before retirement, except that the Active Retired Justice may act only in the cases and matters and hold court only at the terms and times as directed and assigned by the Chief Justice of the Supreme Judicial Court. The Chief Justice is empowered and authorized to assign and designate an Active Retired Justice of the Supreme Judicial Court as to that justice's services and may direct as to which term of the Law Court the Active Retired Justice attends, and order the Active Retired Justice to hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of the Supreme Judicial Court is authorized to hear or issue. [PL 2019, c. 475, §35 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §1 (AMD). PL 1969, c. 466, §2 (AMD). PL 1975, c. 771, §17 (AMD). PL 1983, c. 853, §§C6,18 (AMD). PL 2019, c. 475, §35 (AMD).

§6-A. Active Retired Justice of Supreme Judicial Court to sit in Superior Court

An Active Retired Justice of the Supreme Judicial Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any county, and when so directed the Active Retired Justice has authority and jurisdiction in that county as if the Active Retired Justice were a regular Justice of the Superior Court; and, whenever the Chief Justice of the Supreme Judicial Court so directs, the Active Retired Justice may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court is authorized to hear and issue. [PL 2019, c. 475, §36 (AMD).]

The order of the Chief Justice of the Supreme Judicial Court directing an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by the Active Retired Justice. [PL 2019, c. 475, §36 (AMD).]

SECTION HISTORY

PL 1979, c. 12, §1 (NEW). PL 2019, c. 475, §36 (AMD).

§6-B. Per diem compensation for Active Retired Justices of the Supreme Judicial Court

Any Active Retired Justice of the Supreme Judicial Court who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court must be compensated for those services at the rate of $350 per day or $200 per 1/2 day, as long as the total compensation received under this section by an Active Retired Justice of the Supreme Judicial Court in any calendar year does not exceed 75% of the annual salary of an Associate Justice of the Supreme Judicial Court set pursuant to section 4. An Active Retired Justice of the Supreme Judicial Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental or life insurance. [PL 2017, c. 284, Pt. XXXX, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 692, §1 (NEW). PL 1983, c. 416, §1 (AMD). PL 1989, c. 501, §§O11,22 (AMD). PL 1989, c. 596, §C8 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 2003, c. 290, §1 (AMD). PL 2017, c. 284, Pt. XXXX, §1 (AMD).

§7. General jurisdiction; control of records

The Supreme Judicial Court may exercise its jurisdiction according to the common law not inconsistent with the Constitution or any statute, and may punish contempts against its authority by fine and imprisonment, or either, and administer oaths. It has general superintendence of all inferior courts for the prevention and correction of errors and abuses where the law does not expressly provide a remedy and has control of all records and documents in the custody of its clerks. Whenever justice or the public good requires, it may order the expunging from the records and papers on file in any case which has gone to judgment of any name or other part thereof unnecessary to the purpose and effect of said judgment. It may issue all writs and processes, not within the exclusive jurisdiction of the Superior Court, necessary for the furtherance of justice or the execution of the laws in the name of the State under the seal of said court, attested by any justice not a party or interested in the suit and signed by the clerk.

§8. Power to prescribe general rules

The Supreme Judicial Court has the power to prescribe, by general rules, for the Probate, District and Superior Courts of Maine, the forms of process, writs, pleadings and motions and the practice and procedure in civil actions at law. Said rules may neither abridge, enlarge nor modify the substantive rights of any litigant. They take effect on such date not less than 6 months after their promulgation as the Supreme Judicial Court may fix. After their promulgation the Supreme Judicial Court may repeal, amend, modify or add to them from time to time with or without a waiting period. After the effective date of said rules as promulgated or amended, all laws in conflict therewith are of no further force or effect. [PL 1999, c. 547, §2 (AMD); PL 1999, c. 547, §80 (AFF).]

The Supreme Judicial Court may at any time write the general rules prescribed by it for cases in equity and those in actions at law so as to secure one form of civil action and procedure for both. In such union of rules the right of trial by jury as at common law and declared by the Constitution of the United States and amendments thereto and by the Constitution of the State of Maine and amendments thereto shall be preserved to the parties inviolate. Such united rules shall not take effect until 6 months after their promulgation and thereafter all laws and rules in conflict therewith shall be of no further force or effect. [PL 1977, c. 694, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 694, §1 (AMD). PL 1983, c. 653 (AMD). PL 1999, c. 547, §B2 (AMD). PL 1999, c. 547, §B80 (AFF).

§8-A. Rules on courts records and unclaimed property

The Supreme Judicial Court may prescribe, repeal, add to, amend or modify rules or orders: [PL 1981, c. 241 (NEW).]

1. Records. To establish retention and disposition schedules for the fiscal, managerial and court records of all the judicial courts of the State, and to authorize the disposition of such records as have no archival, historical or judicial value to the State to warrant permanent preservation, and to authorize the transfer to the Maine State Archives of such records, upon any reasonable terms and conditions as the State Archivist and the Supreme Judicial Court may agree, to be kept in accordance with the Archives and Records Management Law; and
[PL 1981, c. 241 (NEW).]

2. Unclaimed property. To provide, after reasonable notice to interested parties or their attorneys, for the transfer to the Treasurer of State for disposition as unclaimed property in the manner provided

by Title 33, chapter 45 of property in the possession or custody of the courts of this State as a result of civil or criminal litigation.
[PL 2019, c. 498, §1 (AMD).]

SECTION HISTORY

PL 1981, c. 241 (NEW). PL 2003, c. 20, §§T1,2 (AMD). PL 2019, c. 498, §1 (AMD).

§8-B. Rules governing nondisclosure of certain identifying information

1. Nondisclosure of certain identifying information. The Supreme Judicial Court may prescribe, repeal, add to, amend or modify rules or orders providing for a procedure in all courts through which a party is given the right to request that certain identifying information not be disclosed.
[PL 2007, c. 351, §1 (NEW).]

2. No contact order; allegation or pleading. Rules and orders developed pursuant to subsection 1 may allow:

A. A party or participant to notify the court in any case of the existence of any court orders in effect at the time of the proceeding that prohibit contact between the parties and participants; and [PL 2007, c. 351, §1 (NEW).]

B. A party or participant to allege in an affidavit or a pleading under oath that the health, safety or liberty of the person would be jeopardized by disclosure of information pertaining to the person's current or intended address or location. [PL 2007, c. 351, §1 (NEW).]

[PL 2007, c. 351, §1 (NEW).]

3. Evidence; records. Rules and orders under this section may address the sealing, disclosure and redaction of evidence and records, including circumstances in which the information to be treated as confidential is a material fact necessary to the proceeding.
[PL 2007, c. 351, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 351, §1 (NEW).

§8-C. Rules concerning electronic records and filing

1. Rules and orders; processes and procedures. Notwithstanding any other provision of law, the Supreme Judicial Court may adopt rules and issue orders to permit or require the use of electronic forms, filings, records, e-mail and electronic signatures whenever paper forms, filings, records, written notice, postal mail and written signatures are required for judicial, legal or any other court-related process under the Maine Revised Statutes.

The Supreme Judicial Court, by rule, may determine any other processes or procedures appropriate to ensure adequate preservation, disposition, integrity, security, appropriate accessibility and confidentiality of the electronic records. After the effective date of the rules as adopted or amended, all laws in conflict with the rules are of no further effect.
[PL 2021, c. 343, §1 (AMD).]

2. Electronic signatures. An electronic signature may be accepted as a substitute for and, if accepted, has the same force and effect as the use of a manual signature. The Supreme Judicial Court shall determine the type of electronic signature required, the manner and format in which the signature is affixed to the electronic record and the criteria that must be met by a party, including attorneys, filing a document.
[PL 2015, c. 78, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 78, §1 (NEW). PL 2021, c. 343, §1 (AMD).

§9. Power to prescribe rules in criminal cases

The Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend or modify rules of pleading, practice and procedure with respect to any and all proceedings through final judgment, review and post-conviction remedy in criminal cases before justices of the peace, District Courts, Superior Courts and the Supreme Judicial Court. [PL 1987, c. 736, §1 (AMD).]

Such rules shall take effect on such date not less than 6 months after their promulgation as the Supreme Judicial Court may set. After their promulgation the Supreme Judicial Court may repeal, amend, modify or add to such rules from time to time without a waiting period. After the effective date of said rules as promulgated or amended, all laws in conflict therewith shall be of no further force or effect.

SECTION HISTORY

PL 1987, c. 736, §1 (AMD).

§9-A. Power to prescribe rules of evidence

The Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend or modify rules of evidence with respect to any and all civil actions or other proceedings, and any and all proceedings in criminal cases before justices of the peace, District Courts, probate courts, Superior Courts and the Supreme Judicial Court. [PL 1987, c. 736, §2 (AMD).]

Such rules shall take effect on such date not less than 6 months after their promulgation as the Supreme Judicial Court may set. After their promulgation, the Supreme Judicial Court may repeal, amend, modify or add to such rules from time to time without a waiting period. After the effective date of said rules as promulgated or amended, all laws in conflict therewith shall be of no further force or effect. Any statute incorporated specifically or in general terms in a rule shall remain in effect. [PL 1977, c. 564, §12 (AMD).]

SECTION HISTORY

PL 1973, c. 675 (NEW). PL 1977, c. 564, §12 (AMD). PL 1987, c. 736, §2 (AMD).

§9-B. Committee on judicial responsibility and disability

The Supreme Judicial Court has the power and authority to prescribe, repeal, add to, amend or modify rules relating to a committee to receive complaints, make investigations and make recommendations to the Supreme Judicial Court in regard to discipline, disability, retirement or removal of justices of the Supreme Judicial Court and the Superior Court and judges of the District Court and the probate courts. [PL 1999, c. 547, Pt. B, §3 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1977, c. 638 (NEW). PL 1979, c. 490, §1 (AMD). PL 1991, c. 885, §E2 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1999, c. 547, §B3 (AMD). PL 1999, c. 547, §B80 (AFF).

§9-C. Court records accessible by the public only at the courthouse

For civil cases brought pursuant to Title 14, section 6001 or 7481, the following court records are accessible by the public only at a courthouse: [PL 2021, c. 644, §1 (NEW).]

1. Resolution by agreement of the parties. Court records that are part of a court case in which the parties agree that the records should be accessible by the public only at the courthouse;
[PL 2021, c. 644, §1 (NEW).]

2. Dismissed or resolved in favor of the defendant. Court records that are part of a court case that is dismissed or resolved in favor of a defendant; and
[PL 2021, c. 644, §1 (NEW).]

3. Older than 3 years. Court records that are part of a court case more than 3 years after a judgment has been entered.
[PL 2021, c. 644, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 644, §1 (NEW).

§10. Facsimile signature of clerk

A facsimile of the signature of the clerk of the Supreme Judicial Court imprinted by or at the clerk's direction upon any writ, summons, subpoena, order or notice or order of attachment, except executions and criminal process, has the same validity as the clerk's written signature. [RR 2021, c. 1, Pt. B, §2 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §2 (COR).

§10-A. Annual training; domestic violence and child abuse issues

The Chief Justice of the Supreme Judicial Court shall establish annual training and education designed to inform Justices of the Supreme Judicial Court on domestic violence and child abuse, neglect and maltreatment issues. [PL 2021, c. 723, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 723, §1 (NEW).

SUBCHAPTER 1-A

ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE

§11. Appointment; salary

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). P&SL 1973, c. 207, §11 (AMD). PL 1975, c. 408, §4 (AMD). PL 1979, c. 13, §1 (RP).

§12. Salary

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). PL 1971, c. 531, §3 (RP).

§13. Office space and clerical help

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). PL 1979, c. 13, §2 (RP).

§14. Duties of administrative assistant assigned by Chief Justice

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §1 (NEW). PL 1975, c. 408, §5 (RPR). PL 1979, c. 13, §3 (RP).

SUBCHAPTER 1-B

ADMINISTRATIVE OFFICE OF THE COURTS

§15. Administrative Office of the Courts; appointment of State Court Administrator

There is an Administrative Office of the Courts, directed by a State Court Administrator who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court. The State Court Administrator shall devote full time to the official duties of this position to the exclusion of any profession for profit. The State Court Administrator must have experience and skills in leadership, management, planning and administration. [PL 1993, c. 675, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §§5-A (NEW). PL 1993, c. 675, §C1 (AMD).

§16. Assistants and employees of State Court Administrator

With the approval of the Chief Justice and within the limits of appropriations made therefor, the State Court Administrator may appoint assistants and other employees and purchase or lease equipment, services and facilities needed for the performance of the duties of the administrator. All administrative personnel in the Judicial Department are supervised by the State Court Administrator. [PL 1993, c. 675, Pt. C, §1 (AMD).]

These personnel must have qualifications as prescribed by the Supreme Judicial Court. [PL 1993, c. 675, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §§5-A (NEW). PL 1993, c. 675, §C1 (AMD).

§17. Duties of State Court Administrator

The State Court Administrator, subject to the supervision and direction of the Chief Justice of the Supreme Judicial Court, is responsible for administration and management of the court system. The State Court Administrator shall: [PL 1993, c. 675, Pt. C, §2 (AMD).]

1. Continuous survey and study. Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the Judicial Department. The State Court Administrator shall make recommendations to the Chief Justice to improve administration and management of the court system, including recommendations concerning the number of judges and other judicial personnel required for the efficient administration of justice;
[PL 1993, c. 675, Pt. C, §3 (AMD).]

1-A. Long-range planning. Develop and recommend to the Chief Justice long-range plans for the Judicial Department and operations of the courts;
[PL 1993, c. 675, Pt. C, §4 (NEW).]

2. Examine the status of dockets. Examine the status of dockets of all courts so as to determine cases and other judicial business that have been unduly delayed. From such reports, the administrator shall indicate which courts are in need of additional judicial personnel and make recommendations to the Chief Justice, to the Chief Justice of the Superior Court and to the Chief Judge of the District Court concerning the assignment or reassignment of personnel to courts that are in need of such personnel. The administrator shall also carry out the directives of the Chief Justice as to the assignment of personnel in these instances;
[PL 1983, c. 269, §§1, 9 (AMD).]

3. Investigate complaints. Investigate complaints with respect to the operation of the courts and relating to court and judicial security. Notwithstanding any other provision of law, complaints and

investigative files that relate to court and judicial security are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency;
[PL 2007, c. 597, §2 (AMD).]

4. Examine statistical systems. Examine the statistical systems of the courts and make recommendations for a uniform system of judicial statistics. The administrator shall also collect and analyze statistical and other data relating to the business of the courts;
[PL 1975, c. 408, §5-A (NEW).]

5. Prescribe uniform administrative and business methods, etc. Prescribe uniform administrative and business methods, systems, forms, docketing and records to be used in the Supreme Judicial Court, in the Superior Court and in the District Court;
[PL 1983, c. 269, §§2, 9 (AMD).]

6. Implement standards and policies set by the Chief Justice. Implement standards and policies set by the Chief Justice regarding hours of court, the assignment of term parts and justices;
[PL 1977, c. 544, §3 (AMD).]

7. Act as supervisor of fiscal unit. Act as supervisor of the fiscal unit of the Administrative Office of the Courts and in so doing ensure that the fiscal unit:

A. Maintains fiscal controls and accounts of funds appropriated for the Judicial Department; [PL 1995, c. 560, Pt. I, §1 (AMD).]

B. Prepares all requisitions for the payment of state money appropriated for the maintenance and operation of the Judicial Department; [PL 1995, c. 560, Pt. I, §1 (AMD).]

C. Prepares budget estimates and submissions of state appropriations necessary for the maintenance and operation of the Judicial Department and makes appropriate recommendations; [PL 1995, c. 560, Pt. I, §1 (AMD).]

D. Collects statistical and other data and makes reports to the Chief Justice, to the Chief Justice of the Superior Court and to the Chief Judge of the District Court relating to the expenditures of public money for the maintenance and operation of the Judicial Department; [PL 1997, c. 24, Pt. II, §1 (AMD).]

E. Develops and implements a uniform set of accounting and budgetary accounts, based on generally accepted fiscal and accounting procedures, for the Supreme Judicial Court, for the Superior Court and for the District Court; and [PL 1997, c. 24, Pt. II, §1 (AMD).]

F. Periodically studies the feasibility of continuing any agreement with the State Tax Assessor by which the Department of Administrative and Financial Services, Bureau of Revenue Services performs revenue-collecting services for the Judicial Department and, if it is determined that this would be in the best interests of the State, continues such an agreement. [RR 2011, c. 1, §2 (COR).]
[RR 2011, c. 1, §2 (COR).]

8. Examine arrangements for use and maintenance of court facilities. Examine the arrangements for the use and maintenance of court facilities and supervise the purchase, distribution, exchange and transfer of judicial equipment and supplies thereof;
[PL 1975, c. 408, §5-A (NEW).]

9. Act as secretary. Act as secretary to the Judicial Conference;
[PL 1975, c. 408, §5-A (NEW).]

10. Submit an annual report. Submit an annual report to the Chief Justice, Legislature and Governor of the activities and accomplishments of the office for the preceding calendar year;
[PL 1975, c. 408, §5-A (NEW).]

11. Maintain liaison. Maintain liaison with the executive and the legislative branches and other public and private agencies whose activities impact the Judicial Department;
[PL 1975, c. 408, §5-A (NEW).]

12. Prepare and plan clerical offices. Prepare and plan for the organization and operation of clerical offices serving the Superior Court and the District Court;
[PL 1983, c. 269, §§4, 9 (AMD).]

13. Implement preservice and inservice educational and training programs. Develop and implement preservice and inservice educational and training programs for nonjudicial personnel of the Judicial Department;
[PL 1987, c. 137, §1 (AMD).]

14. Perform duties and attend other matters. Perform other duties and attend to other matters consistent with the powers delegated to the State Court Administrator by the Chief Justice and the Supreme Judicial Court;
[PL 1991, c. 622, Pt. L, §4 (AMD).]

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings.

A. The State Court Administrator may contract for the services of qualified individuals as needed on a per diem basis to perform court security-related functions and services.

(1) For the purposes of this subsection, "qualified individuals" means municipal law enforcement officers, deputy sheriffs and other individuals who are certified pursuant to Title 25, section 2804-B or 2804-C and have successfully completed additional training in court security provided by the Maine Criminal Justice Academy or equivalent training.

(2) When under contract pursuant to this paragraph and then only for the assignment specifically contracted for, qualified individuals have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties.

(3) Qualified municipal law enforcement officers and deputy sheriffs performing contractual services pursuant to this paragraph continue to be employees of the municipalities and counties in which they are employed.

(4) Qualified individuals other than municipal law enforcement officers or deputy sheriffs performing contractual services pursuant to this paragraph may not be considered employees of the State for any purpose, except that they must be treated as employees of the State for purposes of the Maine Tort Claims Act and the Maine Workers' Compensation Act of 1992. They must be paid reasonable per diem fees plus reimbursement of actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. [PL 2011, c. 380, Pt. TT, §1 (AMD).]

B. The State Court Administrator may employ other qualified individuals to perform court security-related functions and services as court security officers.

(1) Court security officers employed under this paragraph must be certified pursuant to Title 25, section 2803-A, subsection 8-B.

(2) When on assignment for court security functions, court security officers have the same powers and duties throughout the counties of the State as sheriffs have in their respective counties.

(3) Court security officers employed under this paragraph are state employees for all purposes.
[PL 2003, c. 400, §1 (NEW).]

C. Notwithstanding any other provision of law, the plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of that information to another criminal justice agency; [PL 2003, c. 400, §1 (NEW).]

[PL 2011, c. 380, Pt. TT, §1 (AMD).]

16. Report on out-of-state travel. Submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip;

[PL 2021, c. 684, §1 (AMD).]

17. Statement of fiscal effect on judicial system. Apply the following requirements when the State Court Administrator prepares statements pertaining to the impact that executive orders and proposed legislation have upon judicial system resources, including the cost or savings to the judicial system. The State Court Administrator, in preparing such impact statements, shall make inquiry of the Chief Justice of the Superior Court, the Chief Judge of the District Court, a statewide association of prosecuting attorneys, a statewide association of criminal defense attorneys, a statewide association of trial attorneys and any other parties, as appropriate, in order to provide the most accurate estimate of the judicial branch impact of such legislation, by fiscal year.

A. The State Court Administrator shall furnish the statements to the legislative staff office designated to collect and assemble fiscal information for use of legislative committees under Title 3, section 163-A, subsection 10 and to:

(1) The Governor for judicial impact statements on executive orders; and

(2) The appropriate committee of the Legislature for the information of its members for proposed legislation. [PL 1993, c. 675, Pt. C, §9 (NEW).]

B. The statement on a particular executive order prepared by the State Court Administrator must be included in the executive order if the executive order has a fiscal impact on the judicial system, as determined by the State Court Administrator. [PL 1993, c. 675, Pt. C, §9 (NEW).]

C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator; and [PL 2021, c. 684, §2 (AMD).]

[PL 2021, c. 684, §2 (AMD).]

18. Statewide electronic warrant system. Establish a secure system for the application, issuance and return of arrest warrants and search warrants that is electronic and that provides access to authorized users statewide.

A. For the purposes of this subsection, "electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document, including but not limited to an electronic representation of an actual handwritten signature that is captured at the time of signature by the person or is digitally reproduced from a previously saved signature. [PL 2021, c. 684, §3 (NEW).]

B. The statewide electronic warrant system established pursuant to this subsection must:

(1) Provide for personal appearance and authorization by means of telecommunication or electronic communication;

(2) Provide for secure access for authorized users, at varying levels of authorization, and guard the integrity of an application and all information and documents related to the application;

(3) Provide for submission of information and evidence to support the application in electronic form;

(4) Require a showing of probable cause based on oath or affirmation. An oath or affirmation may be provided in electronic format;

(5) Provide for use of an electronic signature by the applicant;

(6) Provide a method for the issuing official to disapprove, approve or approve with modifications the application, the means for using an electronic signature by the issuing official and a mechanism for electronic issuance;

(7) Provide a mechanism for the applicant to obtain the issued arrest warrant or search warrant and a mechanism for return by the applicant when the warrant has been executed or, if the warrant was not served within the time period stated in the warrant, a mechanism to return the warrant unserved; and

(8) Provide a mechanism for the retention of all information submitted to or communicated by or within the system. [PL 2021, c. 684, §3 (NEW).]

[PL 2021, c. 684, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §§5-A (NEW). PL 1977, c. 544, §§1-6 (AMD). PL 1983, c. 269, §§1-4,9 (AMD). PL 1987, c. 137, §§1-3 (AMD). PL 1987, c. 776, §§1,2 (AMD). PL 1989, c. 324 (AMD). PL 1991, c. 570, §1 (AMD). PL 1991, c. 622, §§L4-6 (AMD). PL 1991, c. 885, §E3 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1993, c. 675, §§C2-9 (AMD). PL 1995, c. 560, §I1 (AMD). PL 1997, c. 24, §§II1,2 (AMD). PL 2003, c. 400, §1 (AMD). PL 2007, c. 240, Pt. YYY, §1 (AMD). PL 2007, c. 597, §2 (AMD). PL 2011, c. 380, Pt. TT, §1 (AMD). RR 2011, c. 1, §2 (COR). PL 2021, c. 684, §§1-3 (AMD).

§17-A. Publications and technology

1. Informational publications and record searches. The State Court Administrator may establish a fee schedule to cover the cost of printing and distribution of publications and forms, the procedures for the sale of these publications and forms and record searches performed by Judicial Department employees.

[PL 2017, c. 284, Pt. YYYY, §1 (AMD).]

2. Fund; fees deposited. All fees collected under this section from the sale of publications or forms must be deposited in a fund for use by the State Court Administrator to fund publications, forms and information technology. Twenty percent of fees collected for record searches under subsection 1 must be deposited in the fund, and 80% of fees collected for such record searches must be deposited in the General Fund.

[PL 2017, c. 284, Pt. YYYY, §1 (AMD).]

3. Fees and surcharges for electronic filing. The Supreme Judicial Court may by court rules or administrative orders raise or establish fees for online case searches performed by Judicial Department employees and electronic document delivery and case filings and surcharges on fines to support the operating costs of maintaining an electronic filing and court information management system. All revenues collected under this subsection must be deposited in a fund to be used for those operating costs, including, but not limited to, costs of electronic filing, imaging and hardware, software maintenance fees and hardware maintenance fees and personnel costs.

[PL 2017, c. 284, Pt. YYYY, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 172, §1 (NEW). PL 2013, c. 159, §1 (AMD). PL 2013, c. 502, Pt. V, §1 (AMD). PL 2017, c. 284, Pt. YYYY, §1 (AMD).

§17-B. Funds from the Federal Government and private sources

The State Court Administrator may accept, use, expend and dispose of, on behalf of the State, funds, equipment, supplies, materials and property from any agency of the United States or from any private foundation or other private source. [PL 1997, c. 11, §1 (NEW).]

REVISOR'S NOTE: §17-B. Subleasing (As enacted by PL 1997, c. 362, §1 is REALLOCATED TO TITLE 4, SECTION 17-C)

SECTION HISTORY

RR 1997, c. 1, §1 (RAL). PL 1997, c. 11, §1 (NEW). PL 1997, c. 362, §1 (NEW).

§17-C. Subleasing

(REALLOCATED FROM TITLE 4, SECTION 17-B)

Notwithstanding any other provision of law, the Judicial Department may sublease real property that it holds in the Town of York as tenant to any other government agency for a period of 5 years or less. [RR 1997, c. 1, §1 (RAL).]

SECTION HISTORY

RR 1997, c. 1, §1 (RAL).

§17-D. Fees for training, security and other expenses

The State Court Administrator may establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on 3rd parties to cover the costs of the use of court facilities for purposes not related to court functions by those 3rd parties. All fees collected under this section must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations. [PL 2015, c. 238, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 238, §1 (NEW).

§18. Court Mediation Service

(REPEALED)

SECTION HISTORY

PL 1985, c. 396, §1 (NEW). PL 1985, c. 562 (AMD). PL 1985, c. 750, §1 (AMD). PL 1985, c. 814, §K (AMD). PL 1987, c. 518 (AMD). PL 1989, c. 617, §1 (AMD). PL 1989, c. 702, §E1 (AMD). PL 1995, c. 123, §§1,2 (AMD). PL 1995, c. 537, §2 (AMD). PL 1995, c. 560, §I2 (RP). PL 1995, c. 694, §D1 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 393, §§A3,4 (AMD).

§18-A. Maine Civil Legal Services Fund established

1. Creation of fund. The Maine Civil Legal Services Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support civil legal services to persons who otherwise are not able to pay for these services.

A. Money in the fund not needed to meet current obligations must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund. [PL 1991, c. 503 (NEW).]

B. Except as provided in paragraph C, money in the fund must be disbursed to legal services providers to support the provision of free civil legal services to low-income or needy people or the

needy elderly in this State. Money disbursed from the fund may not be used by a recipient to support lobbying as defined in Title 3, section 312-A, subsection 9 unless the recipient is responding to a request by a Legislator or a member of the Executive Department. Only the following legal services providers may receive disbursement to provide free civil legal services:

(1) Nonprofit organizations whose missions include the provision of statewide free civil legal services and who have at least 5 years of experience providing free civil legal services;

(2) Legal aid clinics of accredited law schools operating exclusively in Maine; and

(3) Programs whose primary mission is to coordinate pro bono legal services on a statewide basis for low-income people in this State. [PL 2019, c. 509, §1 (AMD).]

C. In the first year the Judicial Department may draw from the fund any programming, printing and distribution costs that are necessary to implement surcharges on fines, penalties or forfeitures as provided in subsection 3-A. [PL 1997, c. 173, §2 (NEW).]

[PL 2019, c. 509, §1 (AMD).]

2. Administration. The Supreme Judicial Court, or a person or organization designated by the court, is the administrator and shall administer the fund. The administrator shall disburse funds according to determinations made by the commission established in subsection 6. The administrator shall report at least annually to the Legislature on the previous year's income and expenditures.

[PL 1997, c. 173, §3 (AMD).]

3. Contribution.

[PL 1997, c. 173, §4 (RP).]

3-A. Funding. Funding for the fund may be provided by the following methods.

A. For all fees collected by the Judicial Department after October 1, 2019, 9% must be deposited in the fund. This paragraph does not apply to fees dedicated under section 17-A or section 18-B, subsection 8 or to surcharges imposed pursuant to paragraph C. [PL 2019, c. 509, §2 (AMD).]

B. A surcharge of $10 must be imposed by a court on each civil fine, penalty or forfeiture imposed by the court and deposited in the fund. [PL 2005, c. 361, §3 (AMD).]

C. A surcharge of $127 must be imposed by a court on the fee for commencement of each debt collection action or money judgment disclosure action when the action is brought by a debt buyer, as defined by Title 32, section 11002, subsection 5-A, or a debt collector, as defined by Title 32, section 11002, subsection 6. The surcharge must be deposited in the fund and is not a recoverable cost under Title 14, section 1502-B. [PL 2021, c. 329, §1 (AMD).]

[PL 2021, c. 329, §1 (AMD).]

4. Other funds. The fund may receive money from any source, including grants, gifts, bequests and donations. Funds appropriated and money received for the benefit of the fund must be deposited to the fund.

[PL 1991, c. 503 (NEW).]

5. Allocation.

[PL 1997, c. 173, §6 (RP).]

6. Distribution of funds. The Supreme Judicial Court shall appoint the Civil Legal Services Fund Commission, consisting of 3 persons knowledgeable about the problems of ensuring access to justice in this State, to determine how to distribute the funds in accordance with subsection 1 in a manner that will most efficiently and effectively maintain and enhance access to justice in this State. The commission shall review the allocation at least every 4 years or on the request of any member of the commission and shall make adjustments to the allocation when appropriate. Funds must be distributed at least quarterly with the first distribution occurring no later than January 2, 1998. The commission shall compile information on the types of cases handled by recipient organizations and shall report this

information and its allocation decisions to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 1, 1999.
[PL 1997, c. 173, §7 (NEW).]

SECTION HISTORY

PL 1991, c. 503 (NEW). PL 1997, c. 173, §§1-7 (AMD). PL 2005, c. 361, §§1-3 (AMD). PL 2019, c. 509, §§1-3 (AMD). PL 2021, c. 329, §1 (AMD).

§18-B. Court Alternative Dispute Resolution Service

1. Court Alternative Dispute Resolution Service. There is established within the Administrative Office of the Courts a Court Alternative Dispute Resolution Service to provide alternative dispute resolution, referred to in this section as "ADR," services in the courts throughout the State.
[PL 1995, c. 560, Pt. I, §3 (NEW).]

2. ADR providers. The Judicial Department, through the State Court Administrator or the administrator's designee, shall contract for the services of qualified persons or organizations to serve as providers of ADR services to parties. The ADR providers are not employees of the State for any purpose. The ADR providers are entitled to be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the Administrative Office of the Courts.
[PL 1995, c. 560, Pt. I, §3 (NEW).]

3. Immunity from civil liability. A person serving as an ADR provider under contract with the Judicial Department or as the Director of the Court Alternative Dispute Resolution Service is immune from any civil liability, as are employees of governmental entities, under the Maine Tort Claims Act, for acts performed within the scope of the provider's or the director's duties.
[PL 1995, c. 560, Pt. I, §3 (NEW).]

4. Staff. With the advice and approval of the Court Alternative Dispute Resolution Service Committee, the State Court Administrator shall employ or contract with a person to serve as the Director of the Court Alternative Dispute Resolution Service. The State Court Administrator shall provide other necessary staff and clerical assistance to the Court Alternative Dispute Resolution Service, within the limits of funds available.
[PL 1995, c. 560, Pt. I, §3 (NEW).]

5. Facilities. The State Court Administrator shall provide a principal office for the Court Alternative Dispute Resolution Service and shall arrange for facilities throughout the State as necessary and adequate for the conduct of ADR sessions, within the limits of funds available.
[PL 1995, c. 560, Pt. I, §3 (NEW).]

6. Court Alternative Dispute Resolution Service Committee. The Court Alternative Dispute Resolution Service Committee, or "committee," is established to set policy for and monitor the Court Alternative Dispute Resolution Service. The committee consists of:

A. The Chief Justice of the Supreme Judicial Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]

B. The Chief Justice of the Superior Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]

C. The Chief Judge of the District Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]

D. The State Court Administrator or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]

E. A Justice of the Superior Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court; [PL 1995, c. 560, Pt. I, §3 (NEW).]

F. A Judge of the District Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court; and [PL 1995, c. 560, Pt. I, §3 (NEW).]

G. Any additional members appointed by the Chief Justice of the Supreme Judicial Court that the Chief Justice considers necessary to the committee's operation. [PL 1995, c. 560, Pt. I, §3 (NEW).]

[PL 1995, c. 560, Pt. I, §3 (NEW).]

7. Authority and fees. The Judicial Department is authorized to refer cases to the Court Alternative Dispute Resolution Service for mediation and, when a court refers case types or individual cases to the Court Alternative Dispute Resolution Service for mediation, the court shall assess the parties a fee to be apportioned equally among the parties, unless the court otherwise directs. The fee must be deposited in the dedicated account created in subsection 8.

A party may file an in forma pauperis application for waiver of fee. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

[PL 2021, c. 676, Pt. A, §1 (RPR).]

8. Court Alternative Dispute Resolution Service Fund. The Court Alternative Dispute Resolution Service Fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for ADR services provided pursuant to this section must be deposited in the fund.

Except as otherwise provided in this section, the Administrative Office of the Courts shall use 100% of the resources in the funds from nondesignated cases to cover the costs of providing ADR services as required under this section. All funds from cases handled by the Court Alternative Dispute Resolution Service pursuant to Title 38, section 347-A, subsection 4, paragraph E must be used for the costs of providing ADR services as required under this section.

[PL 1997, c. 643, Pt. EE, §1 (AMD).]

9. Rules. The Supreme Judicial Court shall adopt rules to govern the referral of cases to the Court Alternative Dispute Resolution Service.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

10. Land use mediation. The land use mediation program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the land use mediation program established in Title 5, chapter 314, subchapter II. [PL 1997, c. 393, Pt. A, §5 (NEW).]

B. A land use mediation fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter II must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter II. [PL 1997, c. 393, Pt. A, §5 (NEW).]

[PL 2001, c. 184, §2 (AMD).]

11. Mediation of disputes involving natural gas pipelines. The natural gas pipeline dispute resolution program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the natural gas pipeline dispute resolution program established in Title 5, chapter 314, subchapter III. [PL 1999, c. 346, §1 (NEW).]

B. A natural gas pipeline dispute resolution fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter III must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter III. [PL 1999, c. 346, §1 (NEW).]

[PL 1999, c. 346, §1 (NEW).]

12. Mediation involving mortgage foreclosures on owner-occupied residential property. The foreclosure mediation program is a program within the Supreme Judicial Court to provide mediation in the courts throughout the State pursuant to Title 14, section 6321-A.

A. The Supreme Judicial Court, or a person or organization designated by the court, shall administer the foreclosure mediation program. [PL 2009, c. 402, §1 (NEW).]

B. A foreclosure mediation program fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected to support mediation services pursuant to Title 14, section 6321-A, subsection 3 must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 14, section 6321-A. [PL 2009, c. 402, §1 (NEW).]

[PL 2009, c. 402, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 560, §I3 (NEW). PL 1997, c. 393, §A5 (AMD). PL 1997, c. 643, §EE1 (AMD). PL 1999, c. 346, §1 (AMD). PL 2001, c. 184, §2 (AMD). PL 2009, c. 402, §1 (AMD). PL 2021, c. 245, Pt. G, §1 (AMD). PL 2021, c. 329, §2 (AMD). PL 2021, c. 676, Pt. A, §1 (AMD).

SUBCHAPTER 1-C

JUDICIAL REGIONS: ASSIGNMENT OF JUSTICES AND JUDGES

§19. Creation of judicial regions; regional court centers and regional presiding justices; duties

The Chief Justice of the Supreme Judicial Court may by order divide the State into judicial regions for administrative and venue purposes, each judicial region to contain one or more counties, but in no event may counties be divided for the creation of judicial regions. [PL 1983, c. 688, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §6 (NEW). PL 1983, c. 269, §§5,9 (AMD). PL 1983, c. 688, §1 (AMD).

§20. Provide for collection of fines and fees from money collected

The Chief Justice of the Supreme Judicial Court shall plan and implement arrangements for the collection of overdue fines and fees due the state courts, the costs of which may be paid from money collected. These arrangements may include but are not limited to: Employing special project clerks, assistants and other staff; contracting with state agencies; contracting for special or private debt collection services; purchasing necessary equipment; and compensating state, county and municipal law enforcement agencies for services provided. [PL 2011, c. 131, §1 (AMD).]

The Chief Justice of the Supreme Judicial Court may implement arrangements for the use of fines and fees collected under Title 29-A, section 2121 to pay the costs of processing traffic violations under that section and handling the fines or fees. These arrangements may include employing an assistant clerk. [PL 2019, c. 486, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 875, Pt. E, §3 (NEW). PL 2011, c. 131, §1 (AMD). PL 2019, c. 486, §1 (AMD).

SUBCHAPTER 1-D

COURT PERSONNEL AND FINANCES

§22. State responsibility for court finances

Beginning with the fiscal year commencing July 1, 1976, the Legislature shall appropriate funds for the expenses of the Judicial Department. [PL 1975, c. 408, §7 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §7 (NEW).

§23. Court personnel and compensation

The Supreme Judicial Court shall prescribe by rule a personnel classification plan for all courts in the Judicial Department. [PL 1975, c. 408, §7 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §7 (NEW).

§24. Operating budgets

The State Court Administrator shall, subject to the approval of the Chief Justice, prepare biennially a consolidated operating budget for all courts in the State to be known as the Judicial Department operating budget. The administrator may be assisted in this task by the Chief Justice of the Superior Court and the Chief Judge of the District Court. [PL 1993, c. 675, Pt. C, §10 (AMD).]

The State Court Administrator shall prepare the consolidated court budget according to procedures prescribed by the State Budget Officer. Budget requests and other additional information as requested must be transmitted to the State Budget Officer on or before September 1st of the even-numbered years. The Governor shall include in the budget submission the judicial budget without revision, in accordance with Title 5, section 1664, but with recommendations the Governor considers proper. [PL 1993, c. 675, Pt. C, §10 (AMD).]

The State Court Administrator, subject to the approval of the Chief Justice, shall prescribe the financial management procedures to be used in all courts of the Judicial Department. [PL 1975, c. 408, §7 (NEW).]

SECTION HISTORY

PL 1975, c. 408, §7 (NEW). PL 1979, c. 127, §9 (AMD). PL 1983, c. 269, §§6,9 (AMD). PL 1993, c. 675, §C10 (AMD).

§25. Reimbursement of counties for salaries and expenses of court and jury officers

The Judicial Department shall compensate each county for those reasonable costs related to salaries and expenses as agreed upon between the Judicial Department and the respective county. The compensation may be only for the number of court security officers requested to serve the court either in that county or another by the Judicial Department. [PL 1991, c. 570, §2 (AMD).]

The Judicial Department shall include sufficient funds for this compensation within its operating budget. [PL 1991, c. 570, §2 (AMD).]

SECTION HISTORY

PL 1977, c. 705, §1 (NEW). PL 1989, c. 722, §1 (AMD). PL 1991, c. 570, §2 (AMD).

§26. Use of Executive Department agencies

Unless otherwise prohibited by law, the Judicial Department shall use the services of and be included in any systems established and maintained by the bureaus within the Department of Administrative and Financial Services and is subject to the same rules that apply to the Executive Department unless specifically exempted. [PL 1997, c. 24, Pt. II, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 733, §1 (NEW). PL 1997, c. 24, §II3 (AMD).

§27. Funds collected by Bureau of Revenue Services

1. Generally. The State Court Administrator shall enter into an agreement with the State Tax Assessor by which the Department of Administrative and Financial Services, Bureau of Revenue Services may collect on the Judicial Department's behalf fees, fines, costs and penalties, the imposition of which is provided for by this Title. Any such agreement must specify which categories of fees, fines, forfeitures, costs and penalties are to be collected by the Bureau of Revenue Services.
[PL 1997, c. 24, Pt. II, §4 (NEW); PL 1997, c. 526, §14 (AMD).]

2. Notice and demand; remedies provided by Title 36. The State Tax Assessor shall provide notice substantially equivalent to that set forth in Title 36, section 171. Once notice and a demand for payment have been provided, the State Tax Assessor may proceed to collect the amount due by any collection method authorized by Title 36.
[PL 1997, c. 24, Pt. II, §4 (NEW).]

3. Deposited in General Fund. Funds collected on behalf of the Judicial Department by the State Tax Assessor must be deposited in the proper fund in State Government, except that, for the 1998-1999 biennium, the State Tax Assessor may retain sufficient funds to cover the administrative expenses incurred in collection. After the 1998-1999 biennium, the Judicial Department shall budget sufficient funds to pay the Department of Administrative and Financial Services, Bureau of Revenue Services, Bureau of Revenue Services Fund, Internal Services Fund account on a cost-reimbursement basis for services provided.
[PL 1997, c. 643, Pt. F, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 24, §II4 (NEW). PL 1997, c. 526, §14 (AMD). PL 1997, c. 643, §F1 (AMD).

§28. Additional fee revenue dedicated

The judicial branch may credit 6%, up to a maximum of $800,000 per fiscal year, of fee revenue collected pursuant to administrative orders of the court to a nonlapsing Other Special Revenue Funds account to support the capital expenses of the judicial branch. If the fee revenue from the judicial branch is less than the amount budgeted as undedicated fee revenue for the General Fund, the amount credited to the Other Special Revenue Funds account during the fiscal year must be reduced by a percentage equal to the percentage by which General Fund undedicated fee revenue is under budget.
[PL 2023, c. 412, Pt. KKK, §1 (AMD).]

SECTION HISTORY

PL 2009, c. 213, Pt. QQ, §2 (NEW). PL 2011, c. 380, Pt. HHH, §1 (AMD). PL 2023, c. 412, Pt. KKK, §1 (AMD).

SUBCHAPTER 1-E

COLLECTIVE BARGAINING

§31. Purpose

It is declared to be the public policy of the State and it is the purpose of this subchapter to promote the continued improvement of the relationship between the Judicial Department and its employees by providing a uniform basis for recognizing the right of judicial employees to join labor organizations of their own choosing and to be represented by these organizations in matters concerning their employment relations with the Judicial Department. [PL 1983, c. 412, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 412, §1 (NEW).

§32. Procedures; advisory committee

1. Collective bargaining. The Supreme Judicial Court may propose appropriate procedures for defining and implementing the collective bargaining rights of Judicial Department employees, including, without limitation, definition of employees and appropriate subjects of collective bargaining, determination of appropriate bargaining units, certification and election of a bargaining agent, appeals process, impasse resolution procedure and enforcement mechanisms.
[PL 1983, c. 412, §1 (NEW).]

2. Advisory committee. The Supreme Judicial Court shall designate an advisory committee to recommend procedures. The committee shall include representatives of public sector management and public sector bargaining agents. Opportunity shall be provided for the expression of views of Judicial Department employees.
[PL 1983, c. 412, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 412, §1 (NEW).

SUBCHAPTER 1-F

COURT UNIFICATION OVERSIGHT COMMITTEE

§41. Court Unification Oversight Committee

(REPEALED)

SECTION HISTORY

PL 1999, c. 731, §ZZZ1 (NEW). PL 1999, c. 731, §ZZZ42 (AFF). PL 2007, c. 466, Pt. C, §1 (RP).

SUBCHAPTER 2

LAW COURT

§51. Constitution of court; concurrence required

When sitting as a Law Court to determine questions of law arising in any civil or criminal action or proceeding, the Supreme Judicial Court must be composed as provided by rules adopted by that court and shall hear and determine such questions by the concurrence of a majority of the justices sitting and qualified to act. [PL 2007, c. 518, §1 (AMD).]

SECTION HISTORY

PL 1969, c. 354 (RPR). PL 2007, c. 518, §1 (AMD).

§52. Justice not to sit in review of case tried before that justice

A justice may not sit in the law court upon the hearing of any cause tried before that justice or take any part in the decision of that cause. [RR 2021, c. 1, Pt. B, §3 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §3 (COR).

§53. Sessions

For the purpose of appellate review by the Supreme Judicial Court sitting as a law court, the State shall constitute one district. The number of sessions of the law court in each year and the method of determining the time and place thereof shall be in accordance with rules promulgated by the Supreme Judicial Court. [PL 1969, c. 354 (RPR).]

SECTION HISTORY

PL 1969, c. 354 (RPR).

§54. Clerks; duties; compensation; expenses of county

The Chief Justice of the Supreme Judicial Court shall appoint a clerk of the law court to serve at the Chief Justice's pleasure and shall, from time to time, designate one or more of the clerks of court or some competent person or persons to act as additional clerks of the law court. The clerk of the law court is entitled to receive such salary as the Chief Justice determines and shall devote full time to the clerk's duties. The clerk of the law court shall also act as reporter of decisions. The Chief Justice or in the Chief Justice's absence the senior justice present shall allow to the county in which any law term is held such expense as may be incurred on account of such law term, which must be paid by the State. The dockets of the law court must be made from time to time and kept as the court may direct. [PL 2019, c. 475, §37 (AMD).]

SECTION HISTORY

PL 1965, c. 392, §1 (AMD). PL 1967, c. 220 (AMD). PL 1969, c. 467, §§2,3 (AMD). PL 1975, c. 408, §8 (AMD). PL 2019, c. 475, §37 (AMD).

§55. Preservation of briefs

The clerk of the Supreme Judicial Court shall preserve 2 complete sets of briefs in all cases decided in the Supreme Judicial Court sitting as the Law Court. The clerk shall provide complete sets of the briefs to the law library of Cumberland County and to the Law and Legislative Reference Library, either by delivering a physical set to each library or by delivering or providing access to an electronic copy of the briefs. All expenses incurred in preparation and delivery of these briefs must be paid by the State from the appropriation for expenses of the Supreme Judicial Court. [PL 2017, c. 223, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 114, §1 (RPR). PL 1979, c. 13, §§3-A,3-B (AMD). PL 1983, c. 164 (AMD). PL 2017, c. 223, §1 (AMD).

§56. Messenger in Cumberland County

(REPEALED)

SECTION HISTORY

PL 1969, c. 188 (RP).

§57. Jurisdiction; disposition of cases; technical errors in pleading and procedure

The following cases only come before the court as a court of law: Cases on appeal from the District Court, the Superior Court or a single Justice of the Supreme Judicial Court or from the probate courts; questions of law arising on reports of cases, including interlocutory orders or rulings of such importance as to require, in the opinion of the justice, review by the Law Court before any further proceedings in the action; agreed statement of facts; cases presenting a question of law; all questions arising in cases in which equitable relief is sought; motions to dissolve injunctions issued after notice and hearing or continued after a hearing; questions arising on habeas corpus, mandamus and certiorari and questions of state law certified by the federal courts. They must be marked "law" on the docket of the county or

district where they are pending, and there continued until their determination is certified by the Clerk of the Law Court to the clerk of courts of the county and the court shall immediately after the decision of the question submitted to it make such order, direction, judgment or decree as is fit and proper for the disposal of the case, and cause a rescript in all civil actions, briefly stating the points therein decided, to be filed therein, which rescript must be certified by the Clerk of the Law Court to the clerk of courts of the county or district where the action is pending and to the Reporter of Decisions. If no further opinion is written out, the reporter shall publish in the next volume of reports thereafter issued the case, together with such rescript, if the reporter deems the same of sufficient importance for publication. [PL 1999, c. 731, Pt. ZZZ, §2 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

When the issues of law presented in any case before the Law Court can be clearly understood, they must be decided, and a case may not be dismissed by the Law Court for technical errors in pleading alone or for want of proper procedure if the record of the case presents the merits of the controversy between the parties. Whenever, in the opinion of the Law Court, the ends of justice require, it may remand any case to the court below or to any justice or judge thereof for the correction of any errors in pleading or procedure. In remanding said case, the Law Court may set the time within which said correction must be made and said case reentered in the Law Court. [PL 1999, c. 731, Pt. ZZZ, §2 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

When it appears to the Supreme Court of the United States, or to any court of appeals or district court of the United States, that there is involved in any proceeding before it one or more questions of law of this State, which may be determinative of the cause, and there are no clear controlling precedents in the decisions of the Supreme Judicial Court, such federal court may certify any such questions of law of this State to the Supreme Judicial Court for instructions concerning such questions of state law, which certificate the Supreme Judicial Court sitting as the Law Court may, by written opinion, answer. [PL 1999, c. 731, Pt. ZZZ, §2 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

SECTION HISTORY

PL 1965, c. 158, §§1,2 (AMD). PL 1965, c. 356, §1 (AMD). PL 1965, c. 513, §2 (AMD). PL 1967, c. 544, §2 (AMD). PL 1979, c. 540, §2 (AMD). PL 1999, c. 731, §ZZZ2 (AMD). PL 1999, c. 731, §ZZZ42 (AFF).

§58. Courthouse Security Fund

1. Creation of fund. The Courthouse Security Fund, referred to in this section as "the fund," is created under the jurisdiction and control of the Supreme Judicial Court.
[PL 2005, c. 113, §1 (NEW).]

2. Source of fund. The fund consists of all money appropriated or allocated for inclusion in the fund, from whatever source, and any other resources available to the fund.
[PL 2005, c. 113, §1 (NEW).]

3. Application of fund. Money in the fund may be used to improve security and improve public safety at court facilities under the control of the State or a subdivision of the State. Money in the fund not needed to meet the requirements of this subsection may accrue interest and be invested in a manner permitted by law.
[PL 2005, c. 113, §1 (NEW).]

4. Revolving fund. The fund is a nonlapsing, revolving fund.
[PL 2005, c. 113, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 113, §1 (NEW).

CHAPTER 2

GENERAL PROVISIONS

§71. Term start date for judicial officers

The term of appointment of a judicial officer appointed pursuant to the Constitution of Maine, Article V, Part First, Section 8 begins on the date that the judicial officer is sworn into office. [PL 2025, c. 124, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 124, §1 (NEW).

§72. Inapplicability of Title 5, section 6 qualification requirements

The provisions of Title 5, section 6 do not apply to judicial officers appointed pursuant to the Constitution of Maine, Article V, Part First, Section 8. [PL 2025, c. 124, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 124, §1 (NEW).

CHAPTER 3

SUPERIOR COURT

§101. Constitution of court

The Superior Court, as established, consists of 18 justices and such Active Retired Justices as may be appointed and serving on the court, learned in the law and of sobriety of manners. The Chief Justice of the Superior Court shall assign the Justices of the Superior Court to preside at various locations of the court. Whenever it becomes necessary, the Chief Justice of the Supreme Judicial Court may designate a Justice of the Supreme Judicial Court or any Active Retired Justice of the Supreme Judicial Court to hold a term of Superior Court. The Chief Justice of the Superior Court may, when necessary, assign an Active Retired Justice of the Superior Court to hold a term of Superior Court. The Chief Justice of the Superior Court may designate any Justice of the Superior Court and the Chief Justice of the Supreme Judicial Court may designate any Justice of the Supreme Judicial Court to hold one or more sessions of the Superior Court, separate from the session presided over by the justice holding the regular trial term. [PL 2023, c. 412, Pt. ZZZZ, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 437, §1 (AMD). PL 1969, c. 476, §1 (AMD). PL 1971, c. 504, §1 (AMD). PL 1973, c. 599, §1 (AMD). PL 1983, c. 688, §2 (AMD). PL 1983, c. 825, §1 (AMD). PL 1985, c. 434, §1 (RPR). PL 2005, c. 519, §III1 (AMD). PL 2023, c. 412, Pt. ZZZZ, §1 (AMD).

§101-A. Chief Justice of the Superior Court

The Chief Justice of the Supreme Judicial Court shall designate one of the Justices of the Superior Court as the Chief Justice of the Superior Court. The Justice so designated serves at the pleasure and under the supervision of the Chief Justice of the Supreme Judicial Court and is responsible for the operation of the Superior Court. Any authority relating to the operation of the Superior Court that is vested by law in the Chief Justice of the Supreme Judicial Court may be delegated by the Chief Justice of the Supreme Judicial Court to the Chief Justice of the Superior Court acting under the supervision of the Chief Justice of the Supreme Judicial Court. The Chief Justice of the Superior Court shall also perform such additional duties as may be assigned to the Chief Justice of the Superior Court from time to time by the Chief Justice of the Supreme Judicial Court. The term "Justice of the Superior Court" includes the Chief Justice of the Superior Court. [PL 2019, c. 475, §38 (AMD).]

SECTION HISTORY

PL 1983, c. 269, §§7,9 (NEW). PL 2019, c. 475, §38 (AMD).

§102. Salary; expenses

1. Chief justice; salary. The Chief Justice of the Superior Court is entitled to receive a salary, for fiscal year 1998-99 and thereafter, of $94,000, to be paid biweekly.
[PL 1997, c. 643, Pt. M, §4 (AMD).]

2. Associate justice; salary. Each Justice of the Superior Court shall receive a salary as follows:

A. For fiscal year 1998-99 and thereafter, $90,000, to be paid biweekly. [PL 1997, c. 643, Pt. M, §5 (RPR).]

B. [PL 1989, c. 596, Pt. C, §2 (RP).]

C. [PL 1989, c. 596, Pt. C, §2 (RP).]

D. [PL 1989, c. 596, Pt. C, §2 (RP).]

E. [PL 1989, c. 596, Pt. C, §2 (RP).]
[PL 1997, c. 643, Pt. M, §5 (AMD).]

2-A. Cost-of-living adjustment. The salaries of the associate justices shall be adjusted as established in Title 4, section 4, subsection 2-A.
[PL 1989, c. 501, Pt. O, §§13, 22 (NEW); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

3. Expenses. Section 4, relating to reimbursement of Justices of the Supreme Judicial Court for expenses incurred by them, including clerical assistance, applies to Justices of the Superior Court. The Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may specify by order a maximum amount to be expended by any justice for clerical assistance.
[PL 2019, c. 475, §39 (AMD).]

4. Exception. The salary provisions of this section shall not apply to justices who have retired prior to December 1, 1984.
[PL 1983, c. 853, Pt. C, §§7, 18 (NEW).]

SECTION HISTORY

PL 1965, c. 412, §6 (AMD). PL 1965, c. 418 (AMD). PL 1965, c. 437, §2 (AMD). PL 1965, c. 472, §§1,2 (AMD). PL 1965, c. 513, §3 (AMD). PL 1967, c. 476, §4 (AMD). PL 1969, c. 476, §2 (AMD). PL 1969, c. 580, §2 (AMD). P&SL 1971, c. 179, §M2 (AMD). PL 1971, c. 504, §2 (AMD). P&SL 1973, c. 209, §6 (AMD). PL 1973, c. 509, §5 (AMD). PL 1973, c. 599, §2 (AMD). PL 1975, c. 383, §2 (AMD). PL 1975, c. 408, §§8-A (AMD). PL 1975, c. 735, §2 (AMD). PL 1977, c. 696, §20 (AMD). PL 1979, c. 127, §10 (AMD). PL 1979, c. 544, §6 (AMD). PL 1979, c. 663, §6 (AMD). PL 1981, c. 486, §2 (AMD). PL 1983, c. 269, §8 (AMD). PL 1983, c. 477, Pt. E, Subpt. 1, §2 (AMD). PL 1983, c. 853, §§C7,18 (RPR). PL 1983, c. 863, §§B6,B45 (AMD). PL 1989, c. 501, §§O12,13,22 (AMD). PL 1989, c. 596, §C2 (AMD). PL 1989, c. 596, §§C2,8 (AMD). PL 1989, c. 600, §§B9,10 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 1997, c. 643, §§M4,5 (AMD). PL 2019, c. 475, §39 (AMD).

§103. Compensation upon retirement

(REPEALED)

SECTION HISTORY

PL 1965, c. 442, §2 (AMD). PL 1967, c. 494, §§2,3 (AMD). PL 1969, c. 466, §3 (AMD). PL 1969, c. 469, §§3,4 (AMD). PL 1971, c. 64, §2 (AMD). PL 1975, c. 285 (AMD). PL 1975, c.

701, §3 (AMD). PL 1977, c. 564, §13 (AMD). PL 1981, c. 488, §§3,4 (AMD). PL 1983, c. 167, §2 (AMD). PL 1983, c. 853, §§C8,18 (RP).

§104. Active retired justices

Any Justice of the Superior Court who has retired from the court under this chapter in effect prior to December 1, 1984, or any Justice of the Superior Court who retires or terminates that justice's service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Justice of the Superior Court. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, may appoint any eligible justice as an Active Retired Justice of the Superior Court for a term of 7 years, unless sooner removed. That justice may be reappointed for a like term. Any justice so appointed and designated thereupon constitutes a part of the court from which that justice has retired and has the same jurisdiction and is subject to the same restrictions therein as before retirement. An Active Retired Justice of the Superior Court may serve as an arbitrator and conduct arbitration in accordance with rules that may be adopted by the Supreme Judicial Court, except that nothing in this section requires the Supreme Judicial Court to adopt those rules. An Active Retired Justice of the Superior Court may chair screening panels in accordance with Title 24, chapter 21, subchapter 4-A. An Active Retired Justice of the Superior Court may act only in the cases and matters and hold court only at the terms and times as that justice is directed and assigned by the Chief Justice of the Superior Court. Any Active Retired Justice of the Superior Court may be directed by the Chief Justice to hold any term of the Superior Court in any county and when so directed has authority and jurisdiction therein the same as if that justice were the regular justice of that court. Whenever the Chief Justice of the Superior Court so orders, that justice may hear all matters and issue all orders, notices, decrees and judgments in vacation that any justice of that Superior Court is authorized to hear and issue. An Active Retired Justice of the Superior Court may be assigned by the Chief Justice of the Superior Court to act as a mediator for the foreclosure mediation program in accordance with Title 14, section 6321-A, subsection 7. An Active Retired Justice of the Superior Court receives reimbursement for expenses actually and reasonably incurred in the performance of that justice's duties. [PL 2009, c. 402, §2 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §3 (AMD). PL 1969, c. 466, §4 (AMD). PL 1975, c. 771, §18 (AMD). PL 1983, c. 853, §§C9,18 (AMD). PL 2009, c. 136, §1 (AMD). PL 2009, c. 402, §2 (AMD).

§104-A. Per diem compensation for Active Retired Superior Court Justices

Any Active Retired Justice of the Superior Court who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court is compensated for those services at the rate of $350 per day or $200 per 1/2 day, as long as the total compensation received under this section by an Active Retired Justice of the Superior Court in any calendar year does not exceed 75% of the annual salary of a Justice of the Superior Court set pursuant to section 102. An Active Retired Justice of the Superior Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental or life insurance. [PL 2017, c. 284, Pt. XXXX, §2 (AMD).]

SECTION HISTORY

PL 1979, c. 692, §2 (NEW). PL 1983, c. 416, §2 (AMD). PL 1989, c. 501, §§O14,22 (AMD). PL 1989, c. 596, §C8 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 1997, c. 643, §M6 (AMD). PL 2001, c. 439, §DDD1 (AMD). PL 2017, c. 284, Pt. XXXX, §2 (AMD).

§105. Superior Court; civil jurisdiction

1. Jurisdiction. Except as provided in subsection 2, the Superior Court has and shall exercise exclusive jurisdiction and has and shall exercise all of the powers, duties and authority necessary for

exercising the jurisdiction in any and all matters that were, prior to January 1, 1930, within the jurisdiction of the Supreme Judicial Court or any of the Superior Courts, whether cognizable at law or in equity.
[PL 1999, c. 731, Pt. ZZZ, §3 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

2. Exceptions to Superior Court's exclusive jurisdiction. The Superior Court does not have exclusive jurisdiction over matters for which:

A. Concurrent or exclusive jurisdiction is vested in the District Court; or [PL 1999, c. 731, Pt. ZZZ, §3 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

B. Concurrent jurisdiction is vested in the Supreme Judicial Court as provided in Title 14, section 5301. [PL 1999, c. 731, Pt. ZZZ, §3 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]
[PL 1999, c. 731, Pt. ZZZ, §3 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

3. Appellate jurisdiction. The Superior Court shall hear appeals as follows:

A. Administrative appeals brought pursuant to Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rules 80B and 80C; and [PL 2005, c. 48, §1 (AMD).]

B. Appeals from the District Court:

(1) Brought pursuant to Title 14, section 6008;

(2) Brought pursuant to Title 14, chapter 738;

(3) As provided in Title 15, section 1; and

(4) Brought pursuant to Title 34-B, section 3864, subsection 11. [PL 2005, c. 48, §1 (AMD).]
[PL 2005, c. 48, §1 (AMD).]

4. No jurisdiction, powers, duties or authority of the Law Court. The Superior Court does not have and may not exercise the jurisdiction, powers, duties and authority of the Supreme Judicial Court sitting as the Law Court.
[PL 1999, c. 731, Pt. ZZZ, §3 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

SECTION HISTORY

PL 1975, c. 430, §1 (AMD). PL 1979, c. 540, §3 (AMD). PL 1999, c. 731, §ZZZ3 (RPR). PL 1999, c. 731, §ZZZ42 (AFF). PL 2005, c. 48, §1 (AMD).

§106. Conferences

The Chief Justice of the Supreme Judicial Court may from time to time call together the several Justices of the Superior Court at such place as the Chief Justice may appoint for conference as to the conduct and dispatch of judicial business and interchange of views in matters of practice in the court. In addition to their salaries and expenses in holding the several terms of court to which they are assigned, the several justices are entitled to their actual cash disbursements in attending such conferences. [PL 2019, c. 475, §40 (AMD).]

SECTION HISTORY

PL 2019, c. 475, §40 (AMD).

§107. Clerk

For each county, the Chief Justice shall appoint a person to serve as the clerk of the Superior Court in that county. A clerk of a District Court may also serve as the clerk of a Superior Court. Any deputy clerk, if the deputy's appointment has been temporarily approved by a Justice of the Superior Court then sitting in that county or permanently approved by the Chief Justice of the Superior Court, may, whenever directed by the clerk, act as clerk of the Superior Court at any session in that county. [PL 1995, c. 560, Pt. I, §4 (AMD).]

The clerk of the Superior Court may sign notices to appear in court for hearings on nonpayment of fines, counsel fees or restitution. [PL 1997, c. 135, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 560, §I4 (AMD). PL 1997, c. 135, §1 (AMD).

§107-A. Authority of clerks to issue process for arrest of persons

The Chief Justice of the Superior Court may authorize any clerk or deputy clerk of the Superior Court to issue process for the arrest of persons charged with crimes if the Chief Justice of the Superior Court is satisfied that the clerk or deputy clerk has the necessary training and learning to perform that function. When authorized by the Chief Justice of the Superior Court to issue process and acting in that capacity, the clerk or deputy clerk is considered a justice of the peace with the same authority as a District Court clerk or deputy clerk described in section 161. A clerk or deputy clerk who is authorized to issue process serves in that capacity at the pleasure of the Chief Justice of the Superior Court. [PL 2005, c. 540, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 540, §1 (NEW).

§108. Seal; form of summonses, writs and processes; facsimile signature of clerk

The Justices of the Superior Court shall establish a seal for said court. All summonses, writs and other processes of said court shall be in the name of the State under the seal of said court. They shall be signed by any one of the clerks and obeyed and executed throughout the State. The clerk in any county may sign and issue any such summons, writ or other process for an action in the Superior Court in any other county in which the action might legally be brought. A facsimile of the signature of the clerks of the Superior Courts imprinted by or at their direction upon any writ, summons, subpoena, order or notice or order of attachment, except executions and criminal process, shall have the same validity as their written signature.

§109. Writs when returnable

(REPEALED)

SECTION HISTORY

PL 1965, c. 513, §4 (RP).

§110. Trial terms

The Chief Justice of the Superior Court shall establish the times and places for holding court, shall schedule the business to be conducted and shall specify when the grand jury shall be summoned. A grand jury may be specially summoned at any time by order of a Justice of the Superior Court. [PL 1983, c. 688, §3 (AMD).]

SECTION HISTORY

PL 1965, c. 277 (AMD). PL 1965, c. 279, §§1-6 (AMD). PL 1965, c. 324 (AMD). PL 1965, c. 366 (AMD). PL 1967, c. 96 (AMD). PL 1967, c. 168 (AMD). PL 1969, c. 57 (RPR). PL 1975, c. 408, §9 (RPR). PL 1983, c. 530, §1 (AMD). PL 1983, c. 688, §3 (AMD).

§111. Simultaneous and special sessions

Two or more simultaneous sessions of the Superior Court may be held in the same county, or special sessions thereof may be held in any county, whenever the Chief Justice of the Superior Court determines that public convenience so requires. The business may be so divided as to secure its speedy and convenient disposal. Special sessions of the Superior Court for the transaction of civil or criminal business or both may be held in any county at any time whenever the Chief Justice of the Superior Court determines that public convenience and necessity so require. [PL 1983, c. 688, §4 (AMD).]

SECTION HISTORY

PL 1983, c. 688, §4 (AMD).

§112. Sheriff or deputy to attend court

The sheriff of each of the counties, when requested, shall attend the Superior Court thereof or the Supreme Judicial Court when either court is in session in that county or the sheriff shall specially designate a deputy, approved by the court, so to attend. When court is adjourned, actions brought shall be entered by the clerk and they, with all actions on the docket, shall be continued to the next court day. [PL 1989, c. 722, §2 (AMD).]

SECTION HISTORY

PL 1977, c. 114, §2 (RPR). PL 1989, c. 722, §2 (AMD).

§113. Messenger of Cumberland County

(REPEALED)

SECTION HISTORY

PL 1965, c. 325 (AMD). PL 1967, c. 414, §2 (AMD). PL 1969, c. 441, §2 (AMD). PL 1971, c. 390, §1 (AMD). PL 1973, c. 540, §1 (AMD). PL 1975, c. 383, §3 (RP). PL 1975, c. 408, §10 (RP).

§114. Authority of court

The Superior Court may administer all necessary oaths, render judgment and issue execution, punish for contempt and compel attendance; and the provisions of law relative to the jurisdiction of the Supreme Judicial Court in each of said counties over parties, the arrest of persons, attachment of property, the time and mode of service of precepts, proceedings in court, the taxation of costs, the rendition of judgments, the issuing, service and return of executions and all other subjects apply to the Superior Court in all respects, except so far as they are modified by law, and the Superior Court is clothed with all the powers necessary for the performance of all its duties. [PL 1975, c. 408, §11 (AMD).]

SECTION HISTORY

PL 1975, c. 408, §11 (AMD).

§115. Place for holding court; suitable quarters

In each county, the place for holding court is located in a building designated by the Chief Justice of the Supreme Judicial Court or the Chief Justice's designee, who, with the advice and approval of the Bureau of General Services, is empowered to negotiate, on behalf of the State, the leases, contracts and other arrangements the Chief Justice considers necessary, within the limits of appropriations and other funds available to the Supreme Judicial, Superior and District Courts, to provide suitable quarters, adequately furnished and equipped, for the Supreme Judicial, Superior or District Court in each county. The county commissioners in each county shall continue to provide for the use of the Supreme Judicial, Superior and District Courts such quarters, facilities, furnishings and equipment in existing county buildings as were in use by the Supreme Judicial and Superior Courts on January 1, 1976, without charge. The county commissioners are not required to provide without charge those quarters, facilities, furnishings and equipment in existing county buildings that were in use by the District Courts and were subject to a charge prior to January 1, 1976. [RR 2009, c. 1, §4 (COR).]

The facilities of the courts in each county, when court is not in session, must be available for other purposes. Arrangements for such use must be made by the Chief Justice or the Chief Justice's designee. [PL 2009, c. 1, Pt. J, §1 (AMD).]

If the Chief Justice or the Chief Justice's designee is unable to negotiate the leases, contracts and other arrangements as provided in this section, the Chief Justice may, with the advice and approval of the Bureau of General Services, negotiate on behalf of the State the leases, contracts and other arrangements the Chief Justice considers necessary, within the limits of the budget and funds available to such court, to provide suitable quarters, adequately furnished and equipped for the Supreme Judicial, Superior or District Court in privately owned buildings. [PL 2009, c. 1, Pt. J, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 383, §4 (NEW). PL 1975, c. 408, §12 (NEW). PL 1975, c. 735, §3 (RP). PL 1975, c. 735, §4 (AMD). PL 1979, c. 6 (AMD). PL 1981, c. 647, §1 (AMD). PL 2009, c. 1, Pt. J, §1 (AMD). RR 2009, c. 1, §4 (COR).

§115-A. Closure of Superior Courts

A Superior Court location, as authorized under the provisions of this chapter, may not be closed unless approved by an act of the Legislature. [PL 1993, c. 675, Pt. J, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 707, §J2 (NEW).

§116. Funds of court

All revenue received by the Supreme Judicial Court or Superior Court, whether directly or pursuant to an agreement entered into with the Department of Administrative and Financial Services, Bureau of Revenue Services, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under section 1057; Title 7, section 3910-A; Title 12, section 10203; Title 17, section 1015; Title 23, section 1653; Title 29-A, section 2602; and Title 34-A, section 1210-E, subsection 8. [PL 2023, c. 405, Pt. A, §2 (AMD); PL 2023, c. 405, Pt. A, §3 (AFF).]

Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in such an account is the property of and accrues to the State. The forfeiture and setoff of bail is as otherwise provided by law. [PL 1991, c. 132, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 383, §4 (NEW). PL 1975, c. 408, §12 (NEW). PL 1975, c. 735, §3 (RP). PL 1987, c. 339, §1 (AMD). PL 1989, c. 501, Pt. P, §1 (AMD). PL 1991, c. 132, §1 (AMD). PL 1995, c. 65, Pt. A, §1 (AMD). PL 1995, c. 65, Pt. A, §§153,C15 (AFF). PL 1997, c. 24, Pt. II, §5 (AMD). PL 1999, c. 357, §1 (AMD). PL 2001, c. 617, §1 (AMD). PL 2001, c. 698, §1 (AMD). PL 2001, c. 698, §7 (AFF). PL 2003, c. 20, Pt. R, §1 (AMD). PL 2003, c. 20, Pt. R, §10 (AFF). PL 2007, c. 377, §1 (AMD). PL 2007, c. 377, §17 (AFF). PL 2021, c. 676, Pt. B, §1 (AMD). PL 2023, c. 405, Pt. A, §2 (AMD). PL 2023, c. 405, Pt. A, §3 (AFF).

§117. Other expenses of the court

Within the limits of the funds and appropriations available to the Superior and Supreme Judicial Courts, the Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may authorize the expenditure of funds for such other expenses and capital improvements as are reasonably necessary for the efficient operation of the Superior and Supreme Judicial Courts. [PL 2019, c. 475, §41 (AMD).]

SECTION HISTORY

PL 1975, c. 383, §4 (NEW). PL 1975, c. 408, §12 (NEW). PL 1975, c. 735, §3 (RP). PL 1975, c. 735, §5 (AMD). PL 2019, c. 475, §41 (AMD).

§118. Support from counties

(REPEALED)

SECTION HISTORY

PL 1975, c. 383, §4 (NEW). PL 1987, c. 876, §§1,10 (RP).

§119. Media coverage of judicial proceedings

(REPEALED)

SECTION HISTORY

PL 1985, c. 515, §1 (NEW). MRSA T. 4 §119 (RP).

§120. Justice of the Superior Court to sit in District Court

The Chief Justice of the Supreme Judicial Court may assign a Justice of the Superior Court who had been serving as a Judge of the District Court and who has been nominated and confirmed as a Justice of the Superior Court to sit in the District Court in order to finish any cases that the justice had presided over as a Judge of the District Court and that remain unresolved after the justice's confirmation. [PL 2019, c. 475, §42 (AMD).]

When so assigned, the justice has the same authority and jurisdiction in the District Court as a regular Judge of the District Court. The assigned justice may hear all matters and issue all orders, notices, decrees and judgments that any Judge of the District Court may hear and issue. [PL 1987, c. 769, Pt. B, §2 (RPR).]

The order of the Chief Justice of the Supreme Judicial Court directing a Justice of the Superior Court to sit in the District Court shall be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by the assigned justice. [PL 1989, c. 502, Pt. A, §8 (AMD).]

SECTION HISTORY

PL 1987, c. 577 (NEW). PL 1987, c. 769, §B2 (RPR). PL 1989, c. 502, §A8 (AMD). PL 2019, c. 475, §42 (AMD).

§121. Justice or Active Retired Justice of Superior Court assigned to sit in District Court

A Justice or an Active Retired Justice of the Superior Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the District Court and when so directed the justice has authority and jurisdiction in the District Court as if the justice were a regular judge of that court; and whenever the Chief Justice of the Supreme Judicial Court so directs, the justice may hear all matters and issue all orders, notices, decrees and judgments that any Judge of the District Court is authorized to hear and issue. [PL 1999, c. 547, §4 (AMD); PL 1999, c. 547, §80 (AFF).]

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Superior Court to sit in the District Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by that justice. [PL 1999, c. 547, §4 (AMD); PL 1999, c. 547, §80 (AFF).]

SECTION HISTORY

PL 1989, c. 891, §A1 (NEW). PL 1999, c. 547, §B4 (AMD). PL 1999, c. 547, §B80 (AFF).

§122. Annual training; domestic violence and child abuse issues

The Chief Justice of the Superior Court shall establish annual training and education designed to inform Justices of the Superior Court on domestic violence and child abuse, neglect and maltreatment issues. [PL 2021, c. 723, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 723, §2 (NEW).

CHAPTER 5

DISTRICT COURT

§151. Establishment; court of record; seal

A District Court for the State of Maine, as heretofore established, shall be a court of record and the Chief Judge shall establish a seal.

§152. District Court; civil jurisdiction

The District Court has jurisdiction in the following civil matters: [PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

1. Jurisdiction exercised by trial justices and municipal courts. The civil jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961;
[PL 1983, c. 796, §1 (RPR).]

2. Civil actions for money damages. Original jurisdiction, concurrent with that of the Superior Court, of all civil actions when no equitable relief is demanded, except those actions for which exclusive jurisdiction is vested in the Superior Court by statute;
[PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

3. Civil actions to enforce liens. Original jurisdiction, concurrent with the Superior Court, of all civil actions to enforce liens under Title 10, chapter 603 and under Title 35-A, section 706, and the court shall determine the amount pursuant to Title 10, section 3258;
[PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34-B, chapter 3, subchapter 4, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted and small claims actions under Title 14, chapter 738;
[PL 2013, c. 21, §1 (RPR).]

5. Other actions. Original jurisdiction, concurrent with that of the Superior Court, of the following types of actions, and in these actions the District Court may grant equitable relief:

A. [PL 1999, c. 731, Pt. ZZZ, §4 (RP); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

B. Actions to quiet title to real estate under Title 14, sections 6651 to 6658; [PL 1983, c. 796, §1 (RPR).]

C. Actions to quiet title to real estate under Title 36, section 946; [PL 1983, c. 796, §1 (RPR).]

D. Actions for breach of implied warranty and covenant of habitability under Title 14, section 6021; [PL 1983, c. 796, §1 (RPR).]

E. Actions to foreclose mortgages under Title 14, chapter 713, subchapter VI; [PL 1985, c. 293, §1 (AMD).]

F. Actions for restitution under Title 5, section 213; [PL 1989, c. 392, §1 (AMD).]

G. Actions for illegal evictions under Title 14, section 6014; [PL 1989, c. 392, §1 (AMD).]

H. Actions for the foreclosure of mortgages of real and personal property and for redemption of estates mortgaged; [PL 1989, c. 392, §1 (NEW).]

I. Actions to compel the specific performance of written contracts and to cancel and compel the discharge of written contracts, whether under seal or otherwise, when full performance or payment has been made to the contracting party; [PL 1989, c. 392, §1 (NEW).]

J. Actions for relief in cases of fraud, duress, unjust enrichment, trust, accident or mistake; [PL 1989, c. 392, §1 (NEW).]

K. Actions concerning nuisance and waste; [PL 1989, c. 392, §1 (NEW).]

L. Actions concerning partnership, and between partners or part owners of vessels and of other real and personal property to adjust all matters of the partnership and between the part owners, compel contribution, make final decrees and enforce their decrees by proper process in cases where all interested persons within the jurisdiction of the court are made parties; [PL 1989, c. 392, §1 (NEW).]

M. [PL 1999, c. 731, Pt. ZZZ, §4 (RP); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

N. Civil actions for redelivery of goods or chattels taken or detained from the owner and secreted or withheld so that the goods or chattels cannot be replevied, and in civil actions by creditors to reach and apply in payment of a debt any property, right, title or interest, legal or equitable, of a debtor or debtors, which cannot be attached on writ or taken on execution in a civil action, and any property or interest conveyed in fraud of creditors; [PL 1989, c. 392, §1 (NEW).]

O. Actions in which the pleading demands a judgment:

(1) To exclude a person from a vested or contingent interest in or lien upon specific property within the State;

(2) That a vested or contingent interest in or lien upon specific property within the State be enforced;

(2-A) That real property be partitioned by sale; or

(3) Otherwise affecting title to any real property; [PL 1999, c. 547, Pt. A, §1 (AMD).]

P. Actions to compel the compliance with court orders including the right to appoint persons to sign instruments as provided for in the Maine Rules of Civil Procedure; [PL 1989, c. 392, §1 (NEW); PL 1989, c. 919, §§1, 18 (AMD).]

Q. Actions in which the equitable relief is sought through an equitable defense, a counterclaim, a cross-claim or other responsive pleading or reply permitted by the Maine Rules of Civil Procedure; [PL 2011, c. 80, §1 (AMD).]

R. Actions to enforce access to health care under Title 22, section 1715; and [PL 2011, c. 80, §2 (AMD).]

S. Actions under the Uniform Arbitration Act, Title 14, chapter 706. [PL 2011, c. 80, §3 (NEW).]

Nothing in this subsection may be construed to affect the right of any party to remove an action to the Superior Court in accordance with the Maine Rules of Civil Procedure;
[PL 2011, c. 80, §§1-3 (AMD).]

5-A. Actions involving minors under Title 18-C. Except as provided in paragraph C, exclusive, continuing jurisdiction of actions for guardianship, adoption, change of name or other matters involving custody or other parental rights with respect to a minor child brought under Title 18-C under the following circumstances: if proceedings under the Maine Juvenile Code brought against the minor child are pending in the District Court; if proceedings involving custody or other parental rights with respect to the minor child, including but not limited to adoption, divorce, parental rights and responsibilities, grandparents' rights, protective custody, change of name, guardianship, parentage or termination of parental rights, are pending in the District Court; or if the minor child is or was the subject of an order

issued by the District Court terminating parental rights, appointing a guardian, including a permanency, emergency or interim guardian, awarding parental rights to a 3rd party or granting an adoption. This subsection does not apply if the only proceedings pending in the District Court involving custody or other parental rights with respect to the minor child are protection from abuse or protection from harassment proceedings unless one of the other grounds for exclusive, continuing jurisdiction are met under this subsection. For purposes of this subsection, a proceeding is pending if a complaint, petition or post-judgment motion has been filed and the final judgment or final order on that complaint, petition or post-judgment motion has not yet been issued.

A. The District Court presiding over any matter involving custody or other parental rights with respect to a minor child shall require all parties to disclose whether they have knowledge of:

(1) Any interim or final order then in effect concerning custody or other parental rights with respect to the minor child;

(2) Any proceeding under the Maine Juvenile Code brought against the minor child pending in the District Court or any proceeding involving custody or other parental rights with respect to the minor child pending before any court of this State or another state, including before a probate court in this State; or

(3) Any other related action pending before any court of this State or another state, including before a probate court in this State. [PL 2023, c. 63, §1 (AMD).]

B. Except as provided in paragraph C, if the District Court presiding over any matter under the Maine Juvenile Code brought against a minor child and any matter involving custody or other parental rights with respect to a minor child becomes aware that a proceeding for guardianship, adoption or change of name or another matter involving custody or other parental rights with respect to the minor child under Title 18-C is pending in a probate court in this State, the District Court shall notify the Probate Court and take appropriate action to facilitate a transfer of the matter from the Probate Court. If a matter is transferred to the District Court under this paragraph, the District Court has continuing, exclusive jurisdiction over the matter and over any future proceedings for guardianship, adoption or change of name or other matter involving custody or other parental rights with respect to the minor child brought under Title 18-C, except to the extent that the District Court's jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act. [PL 2023, c. 63, §1 (AMD).]

C. Notwithstanding any provision of law to the contrary, a probate court shall retain jurisdiction over an action for guardianship, adoption, change of name or other matter involving custody or other parental rights with respect to a minor child brought under Title 18-C that would otherwise be within the exclusive, continuing jurisdiction of the District Court under this subsection and may not transfer that matter to the District Court under paragraph B if:

(1) At the time the proceeding under the Maine Juvenile Code or the proceeding involving custody or other parental rights with respect to the minor child that would otherwise trigger the District Court's continuing, exclusive jurisdiction is initiated, the testimonial hearing on the Title 18-C matter has concluded and the Probate Court has that matter under advisement; and

(2) The Probate Court has not determined that the District Court is the more appropriate forum for the Title 18-C proceeding; [PL 2023, c. 63, §1 (NEW).]

[PL 2023, c. 63, §1 (AMD).]

6. Environmental laws.

[PL 1989, c. 878, Pt. A, §6 (RP); PL 1993, c. 349, §3 (AMD).]

6-A. Environmental laws. Original jurisdiction, concurrent with that of the Superior Court, to grant equitable relief and impose penalties in proceedings involving alleged violations of a local

environmental ordinance or regulation or a state environmental law or rule, including, but not limited to, the following:

A. The laws pertaining to the Maine Land Use Planning Commission, Title 12, chapter 206-A; [PL 1989, c. 878, Pt. A, §7 (NEW); PL 2011, c. 682, §38 (REV).]

B. The minimum lot size law, Title 12, sections 4807 to 4807-G; [PL 1989, c. 878, Pt. A, §7 (NEW).]

C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 38, sections 435 to 446; [PL 2011, c. 120, §1 (AMD).]

D. The plumbing and subsurface waste water disposal rules adopted by the Department of Health and Human Services under Title 22, section 42; [PL 1989, c. 878, Pt. A, §7 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

E. Laws pertaining to public water supplies, Title 22, chapter 601, subchapter IV; [PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

F. Local ordinances enacted under Title 22, section 2642, and in accordance with Title 30-A, section 3001; [PL 1989, c. 878, Pt. A, §7 (NEW).]

G. Local land use ordinances enacted under Title 30-A, section 3001; [PL 1989, c. 878, Pt. A, §7 (NEW).]

H. Local building codes adopted pursuant to Title 30-A, section 3001, and in accordance with Title 30-A, chapter 185, subchapter I; [PL 1989, c. 878, Pt. A, §7 (NEW).]

I. Automobile junkyards, Title 30-A, chapter 183, subchapter I; [PL 1989, c. 878, Pt. A, §7 (NEW).]

J. Regulation and inspection of plumbing, Title 30-A, chapter 185, subchapter III; [PL 1989, c. 878, Pt. A, §7 (NEW).]

K. Malfunctioning domestic waste water disposal units, Title 30-A, section 3428; [PL 1989, c. 878, Pt. A, §7 (NEW).]

L. The subdivision law, Title 30-A, chapter 187, subchapter IV; local subdivision ordinances enacted under Title 30-A, section 3001; and subdivision regulations adopted under Title 30-A, section 4403; [PL 1989, c. 878, Pt. A, §7 (NEW).]

M. Local zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 30-A, section 4352; [PL 1989, c. 878, Pt. A, §7 (NEW).]

N. All laws administered by the Department of Environmental Protection, Title 38, chapters 2 to 16; [PL 1989, c. 878, Pt. A, §7 (NEW).]

O. Local ordinances regarding air pollution control enacted pursuant to Title 38, section 597; [PL 2005, c. 240, §1 (AMD).]

P. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1; local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and [PL 2005, c. 240, §2 (AMD).]

Q. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; [PL 2005, c. 240, §3 (NEW).]

[PL 2011, c. 120, §1 (AMD); PL 2011, c. 682, §38 (REV).]

7. Air quality laws.

[PL 1989, c. 311, §2 (RP).]

8. Consent to minor's abortion. Original jurisdiction, concurrent with that of the Probate Court, to grant equitable relief in proceedings brought under Title 22, section 1597-A;
[PL 1999, c. 547, Pt. B, §5 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

9. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 8, section 279-B; Title 10, section 8003; Title 20-A, sections 10712 and 10713; Title 29-A; Title 32, chapters 2-B, 114 and 135; and Title 35-A, section 3132, exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by the agency. The District Court has original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The District Court has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules.

Notwithstanding any other provisions of law, a licensing agency may not reinstate or otherwise affect a license suspended, revoked or modified by the District Court pursuant to a complaint filed by the Attorney General without the approval of the Attorney General;
[PL 2009, c. 112, Pt. B, §1 (AMD).]

10. Appellate jurisdiction.
[PL 2009, c. 112, Pt. B, §2 (RP).]

11. Actions for divorce, separation or annulment. Original jurisdiction, not concurrent with the Superior Court, of actions for divorce, annulment of marriage or judicial separation and proceedings under Title 19-A, except as otherwise specifically provided.

Actions for divorce, annulment or separation pending in the Superior Court may be transferred, upon agreement of the parties, from the Superior Court to the District Court in accordance with rules adopted by the Supreme Judicial Court. An action so transferred remains in the District Court, which has exclusive jurisdiction thereafter, subject to the rights of appeal to the Law Court as to matters of law;
[PL 1999, c. 731, Pt. ZZZ, §4 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

12. Property matters between spouses. Original jurisdiction, not concurrent with the Superior Court, of actions to hear and determine property matters between spouses as provided in Title 19-A, section 806 and to make all necessary orders and decrees relating to these matters, to issue all necessary process to enforce the orders and decrees and to cause all the orders and decrees to be enforced. This subsection does not apply to or affect actions initiated in the Superior Court before the effective date of this subsection;
[PL 1999, c. 731, Pt. ZZZ, §4 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

13. Desertion and nonsupport. Jurisdiction over complaints for desertion and nonsupport or nonsupport of dependents in the district where either the spouse, the dependent or the respondent resides;
[PL 2007, c. 670, §1 (AMD).]

14. Civil violations. Jurisdiction over all civil violations, as provided in Title 17-A, section 9, and traffic infractions;
[PL 2019, c. 366, §1 (AMD).]

15. Restoration of right to possess firearms. Exclusive jurisdiction to conduct de novo review of a determination by the Commissioner of Public Safety pursuant to Title 15, section 393, subsection 4-A; and
[PL 2019, c. 366, §2 (AMD).]

16. At-risk noncitizen children; petitions and motions. Jurisdiction over petitions and motions regarding the protection, well-being, care and custody of unmarried noncitizens under 21 years of age pursuant to Title 19-A, section 1511 and Title 22, chapter 1071, subchapter 17.

[PL 2025, c. 347, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 236 (AMD). PL 1969, c. 587 (AMD). PL 1971, c. 38 (AMD). PL 1971, c. 117, §1 (AMD). PL 1971, c. 175 (AMD). PL 1971, c. 544, §6 (AMD). PL 1975, c. 54, §1 (AMD). PL 1975, c. 430, §§2,3 (AMD). PL 1975, c. 552, §1 (AMD). PL 1975, c. 770, §11 (AMD). PL 1977, c. 401, §1 (AMD). PL 1979, c. 127, §11 (AMD). PL 1979, c. 540, §§4,5 (AMD). PL 1979, c. 663, §7 (AMD). PL 1979, c. 700, §1 (AMD). PL 1981, c. 470, §A4 (AMD). PL 1981, c. 585, §1 (AMD). PL 1981, c. 645, §1 (AMD). PL 1983, c. 29, §1 (AMD). PL 1983, c. 275 (AMD). PL 1983, c. 447, §1 (RPR). PL 1983, c. 583, §1 (AMD). PL 1983, c. 796, §1 (RPR). PL 1985, c. 162, §1 (AMD). PL 1985, c. 293, §§1,2 (AMD). PL 1985, c. 563, §1 (AMD). PL 1985, c. 746, §2 (AMD). PL 1987, c. 192, §1 (AMD). PL 1987, c. 419, §1 (AMD). PL 1987, c. 737, §§C2,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C1,C8,C10 (AMD). PL 1989, c. 287, §§1,2 (AMD). PL 1989, c. 311, §§1,2 (AMD). PL 1989, c. 392, §§1,2 (AMD). PL 1989, c. 415, §1 (AMD). PL 1989, c. 573, §1 (AMD). PL 1989, c. 878, §§A6,7 (AMD). PL 1989, c. 919, §§1,2,18 (AMD). PL 1991, c. 377, §1 (AMD). PL 1993, c. 349, §3 (AMD). PL 1995, c. 65, §A2 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 694, §§D2,3 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1999, c. 547, §§A1,B5,6 (AMD). PL 1999, c. 547, §B80 (AFF). PL 1999, c. 731, §ZZZ4 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 1999, c. 778, §1 (AMD). RR 2001, c. 2, §A2 (COR). PL 2001, c. 229, §1 (AMD). PL 2001, c. 471, §A1 (AMD). PL 2001, c. 471, §A2 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 65, §C1 (AMD). PL 2005, c. 240, §§1-3 (AMD). PL 2007, c. 670, §§1-3 (AMD). PL 2009, c. 112, Pt. B, §§1, 2 (AMD). PL 2011, c. 80, §§1-3 (AMD). PL 2011, c. 120, §1 (AMD). PL 2011, c. 542, Pt. A, §1 (AMD). PL 2011, c. 614, §1 (AMD). PL 2011, c. 682, §38 (REV). PL 2013, c. 21, §1 (AMD). PL 2015, c. 460, §1 (AMD). PL 2017, c. 402, Pt. C, §3 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 366, §§1-3 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2023, c. 63, §1 (AMD). PL 2025, c. 347, §1 (AMD).

§153. Judicial divisions

The State is divided into judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows: [PL 2013, c. 159, §2 (AMD).]

1. Northern Androscoggin.
[PL 2003, c. 673, Pt. JJJ, §2 (RP).]

2. Androscoggin. Androscoggin consists of all municipalities in Androscoggin County. The District Court for Androscoggin must be held at Lewiston.
[PL 2025, c. 436, §1 (AMD).]

3. Western Aroostook. Western Aroostook consists of the municipalities and unorganized territory known as Hamlin Plantation, Cyr Plantation, T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plantation, T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16 and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook must be held at Fort Kent.
[PL 2025, c. 436, §2 (AMD).]

4. Eastern Aroostook. Eastern Aroostook includes the municipalities and unorganized territory known as Limestone, Caribou, Washburn, Wade, T13 R5, and all municipalities and unorganized territory in Aroostook County lying to the north of these up to the boundary of the division of Western Aroostook. The District Court for Eastern Aroostook shall be held at Caribou.

5. Central Aroostook. Central Aroostook includes the municipalities and unorganized territory known as Blaine, TD R2, T9 R3, T9 R4, T9 R5, Oxbow, T9 R7, T9 R8, T10 R8, T11 R9, T11 R10, T11 R11, T11 R12, T11 R13, T11 R14, T11 R15, T11 R16, T11 R17, and all municipalities and

unorganized territory, including the City of Presque Isle in Aroostook County lying to the north of these up to the boundary of the division of Western Aroostook and the boundary of the division of Eastern Aroostook. The District Court for Central Aroostook shall be held at Presque Isle.

6. Southern Aroostook. Southern Aroostook consists of all municipalities and unorganized territory in Aroostook County not included within the divisions of Western Aroostook, Eastern Aroostook and Central Aroostook. The District Court for Southern Aroostook shall be held at Houlton.

7. Eastern Cumberland.
[PL 1989, c. 891, Pt. A, §3 (RP).]

8. Southern Cumberland. Southern Cumberland consists of the municipalities of Pownal, North Yarmouth, Yarmouth, Cumberland, Falmouth, Cape Elizabeth, Scarborough, Portland, South Portland, Westbrook, Gorham, Gray, New Gloucester and Windham. The District Court for Southern Cumberland shall be held at Portland.
[PL 1989, c. 184 (RPR).]

9. Northern Cumberland. Northern Cumberland consists of all municipalities in the County of Cumberland not included within the divisions of Southern Cumberland and Bath-Brunswick, and consists of the municipalities of Brownfield, Denmark, Hiram, Fryeburg, Lovell, Sweden, Stow and Porter in the County of Oxford. The District Court for Northern Cumberland must be held at Bridgton.
[PL 2003, c. 510, Pt. B, §1 (AMD).]

10. Franklin. Franklin consists of the entire County of Franklin. The District Court of Franklin shall be held at Farmington.
[PL 1973, c. 35 (AMD).]

11. Hancock. Hancock consists of the entire County of Hancock. The District Court for Hancock must be held at Ellsworth.
[PL 2005, c. 397, Pt. C, §5 (AMD); PL 2005, c. 397, Pt. C, §8 (AFF).]

12. Southern Hancock.
[PL 2005, c. 397, Pt. C, §6 (RP); PL 2005, c. 397, Pt. C, §8 (AFF).]

13. Northern Kennebec. Northern Kennebec consists of the municipalities of Albion, Belgrade, Mount Vernon, Sidney, Vassalboro, Winslow and all municipalities in Kennebec County lying to the north of these. The District Court for Northern Kennebec shall be held at Waterville.
[PL 1987, c. 21 (AMD).]

14. Southern Kennebec. Southern Kennebec consists of all municipalities in Kennebec County not included within the division of Northern Kennebec. The District Court for Southern Kennebec shall be held at Augusta.

15. Knox. Knox consists of the entire County of Knox. The District Court for Knox shall be held at Rockland.

16. Lincoln. Lincoln consists of the entire County of Lincoln. The District Court for Lincoln shall be held at Wiscasset.

17. Northern Oxford. Northern Oxford consists of Gilead, Bethel, Milton Plt., Peru, Canton and all municipalities and unorganized territory in Oxford County lying to the north of these. The District Court for Northern Oxford shall be held at Rumford.

18. Southern Oxford. Southern Oxford consists of all municipalities and unorganized territory in Oxford County not included in the division of Northern Oxford, except the municipalities of Brownfield, Denmark, Hiram, Fryeburg, Lovell, Sweden, Stow and Porter. The District Court for Southern Oxford shall be held at Paris.
[PL 1969, c. 590, §3 (AMD).]

19. Northern Penobscot.
[PL 2013, c. 159, §3 (RP).]

19-A. Northern and Central Penobscot. Northern and Central Penobscot consists of the municipalities and unorganized territory of Hopkins Academy Grant Township, Long A Township, Medway, TA R7 WELS, Burlington, Edinburg, Lakeville, Lagrange, Lowell, Passadumkeag, Twombley, Pukakon Township and all municipalities and unorganized territory in Penobscot County lying to the north of these. The District Court for Northern and Central Penobscot must be held at Millinocket and Lincoln. The Chief Judge shall determine the level of service at each location.
[PL 2013, c. 159, §4 (NEW).]

20. Central Penobscot.
[PL 2013, c. 159, §5 (RP).]

21. Southern Penobscot. Southern Penobscot consists of the municipalities of Alton, Glenburn, Hampden, Hermon, Old Town and all municipalities and unorganized territory lying east of these and south of the division of Central Penobscot. The District Court for Southern Penobscot shall be held at Bangor.

22. Western Penobscot. Western Penobscot consists of all municipalities in Penobscot County not included within the divisions of Northern, Central or Southern Penobscot. The District Court for Western Penobscot shall be held at Newport.

23. Piscataquis. Piscataquis consists of the entire County of Piscataquis. The District Court for Piscataquis shall be held at Dover-Foxcroft.

24. Bath-Brunswick. Bath-Brunswick consists of the entire County of Sagadahoc and the municipalities of Brunswick, Freeport and Harpswell in Cumberland County. The District Court for Bath-Brunswick shall be held at Bath, West Bath or Brunswick, the exact site to be determined by the Chief Judge.
[PL 1989, c. 891, Pt. A, §4 (AMD).]

25. Somerset. Somerset consists of the entire County of Somerset. The District Court for Somerset shall be held at Skowhegan.

26. Waldo. Waldo consists of the entire County of Waldo. The District Court for Waldo shall be held at Belfast.

27. Northern Washington. Northern Washington consists of the municipalities and unorganized territory known as Charlotte, Cooper, Crawford, Pembroke, Perry, Eastport, T26 E.D., T36 M.D., T37 M.D. and all municipalities and unorganized territory in Washington County lying to the north of these. The District Court for Northern Washington shall be held at Calais.

28. Southern Washington. Southern Washington consists of all municipalities and unorganized territory in the County of Washington not included within the division of Northern Washington. The District Court for Southern Washington shall be held at Machias.

29. York. York consists of the entire County of York. The District Court for York must be held at Biddeford or in any other court facility in the division.
[PL 2021, c. 633, §1 (RPR); PL 2021, c. 633, §5 (AFF).]

30. Southern York.
[PL 2021, c. 633, §2 (RP); PL 2021, c. 633, §5 (AFF).]

31. Western York.
[PL 2021, c. 633, §3 (RP); PL 2021, c. 633, §5 (AFF).]

SECTION HISTORY

PL 1965, c. 228, §1 (AMD). PL 1969, c. 458 (AMD). PL 1969, c. 501, §1 (AMD). PL 1969, c. 559 (AMD). PL 1969, c. 590, §3 (AMD). PL 1971, c. 622, §§4-A (AMD). PL 1973, c. 35 (AMD). PL 1979, c. 127, §12 (AMD). PL 1979, c. 663, §§8,8A (AMD). PL 1981, c. 201 (AMD). PL 1983, c. 23 (AMD). PL 1983, c. 654, §1 (AMD). PL 1987, c. 21 (AMD). PL 1987, c. 133, §1 (AMD). PL 1989, c. 98, §§1,2 (AMD). PL 1989, c. 184 (AMD). PL 1989, c. 891, §§A2-4 (AMD). PL 1991, c. 9, §E1 (AMD). PL 1991, c. 121, §B1 (AMD). PL 1991, c. 121, §B18 (AFF). PL 1993, c. 675, §§B1,2 (AMD). PL 1995, c. 330, §1 (AMD). PL 1995, c. 560, §I5 (AMD). PL 1995, c. 665, §BB1 (AFF). PL 2003, c. 510, §B1 (AMD). PL 2003, c. 673, §§JJJ1-3 (AMD). PL 2005, c. 397, §§C4-6 (AMD). PL 2005, c. 397, §C8 (AFF). PL 2013, c. 159, §§2-5 (AMD). PL 2021, c. 633, §§1-3 (AMD). PL 2021, c. 633, §5 (AFF). PL 2025, c. 436, §§1, 2 (AMD).

§154. Districts

The judicial divisions are organized into 13 districts, as follows, with the place for holding court shown in parentheses after the name of each division:

1. First District. The first district consists of the divisions of Eastern Aroostook (Caribou) and Western Aroostook (Fort Kent).
[PL 2025, c. 436, §3 (AMD).]

2. Second District. The 2nd district consists of the divisions of Central Aroostook (Presque Isle) and Southern Aroostook (Houlton).

3. Third District. The 3rd district consists of the divisions of Southern Penobscot (Bangor) and Western Penobscot (Newport).
[PL 1965, c. 237, §2 (AMD).]

4. Fourth District. The 4th district consists of the divisions of Northern Washington (Calais) and Southern Washington (Machias).

5. Fifth District. The 5th district consists of the divisions of Hancock (Ellsworth) and Waldo (Belfast).
[PL 2005, c. 397, Pt. C, §7 (AMD); PL 2005, c. 397, Pt. C, §8 (AFF).]

6. Sixth District. The 6th district consists of the divisions of Bath-Brunswick (Bath, West Bath or Brunswick), Lincoln (Wiscasset) and Knox (Rockland).
[PL 1989, c. 891, Pt. A, §5 (AMD).]

7. Seventh District. The 7th district consists of the divisions of Northern Kennebec (Waterville) and Southern Kennebec (Augusta).
[PL 1965, c. 425, §3 (AMD).]

8. Eighth District. The 8th district consists of the division of Androscoggin (Lewiston).
[PL 2025, c. 436, §4 (AMD).]

9. Ninth District. The 9th district consists of the divisions of Southern Cumberland (Portland) and Northern Cumberland (Bridgton).
[PL 1965, c. 425, §3 (AMD).]

10. Tenth District. The 10th district consists of the division of York (Biddeford or any other court facility in the division).
[PL 2021, c. 633, §4 (AMD); PL 2021, c. 633, §5 (AFF).]

11. Eleventh District. The 11th district consists of the divisions of Northern Oxford (Rumford) and Southern Oxford (South Paris).
[PL 2003, c. 673, Pt. JJJ, §5 (AMD).]

12. Twelfth District. The 12th district consists of the divisions of Somerset (Skowhegan) and Franklin (Farmington).

[PL 1965, c. 237, §4 (AMD).]

13. Thirteenth District. The 13th district consists of the divisions of Piscataquis (Dover-Foxcroft), Northern Penobscot (Millinocket) and Central Penobscot (Lincoln).

SECTION HISTORY

PL 1965, c. 228, §2 (AMD). PL 1965, c. 237, §§2-4 (AMD). PL 1965, c. 425, §3 (AMD). PL 1983, c. 654, §§2,3 (AMD). PL 1987, c. 133, §2 (AMD). PL 1989, c. 98, §3 (AMD). PL 1989, c. 891, §A5 (AMD). PL 2003, c. 673, §§JJJ4,5 (AMD). PL 2005, c. 397, §C7 (AMD). PL 2005, c. 397, §C8 (AFF). PL 2021, c. 633, §4 (AMD). PL 2021, c. 633, §5 (AFF). PL 2025, c. 436, §§3, 4 (AMD).

§155. Venue

1. Juvenile proceeding or criminal prosecution. A juvenile proceeding or criminal prosecution, including traffic, shall be brought in the division in which the offense charged took place, but if the proceeding involves 2 or more offenses committed in different divisions, it may be brought in any one of them.

2. Forcible entry and detainer; trustee process; attachment. An action for forcible entry and detainer must be brought in the division in which the property involved is located. Except as otherwise provided in subsection 3-A, an action to recover personal property pursuant to Title 14, section 7071, or for replevin, may be brought either in the division where a plaintiff or defendant resides, where the underlying transaction involving the personal property was made or where any of the personal property is located, or to which the court orders the personal property to be brought or kept pursuant to Title 14, section 7071, subsection 5. An action commenced by trustee process must be brought in accordance with Title 14, chapter 501. An action involving attachment may be brought in the division where the plaintiff resides or where the defendant resides or where the property involved is located.
[PL 2009, c. 245, §1 (AMD).]

3. Divorce, separation, annulment, support. An action or proceeding for divorce, separation, annulment of marriage or for support may be brought in the division where either the plaintiff or the defendant resides.
[PL 1999, c. 731, Pt. ZZZ, §5 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

3-A. Consumer transactions. Notwithstanding any other provision of law, an action brought against a consumer arising from a consumer credit transaction or a rental-purchase agreement must be filed in accordance with Title 9-A, section 5-113, except that an action brought pursuant to Title 32, section 11013, subsection 3, paragraph N must be brought where provided for in that paragraph.
[PL 2009, c. 245, §2 (NEW).]

4. Other civil actions. Any other civil action or proceeding shall be brought in the division where any plaintiff or defendant resides, but if all defendants are nonresidents of the State, it may be brought in any division of the plaintiff's choice.

5. Corporation. A corporation shall be deemed a resident of any district in which it maintains a place of business.

6. Brought in any division with consent. Notwithstanding subsections 1 to 5, all parties, with the approval of any district judge, may consent to any action, proceeding or prosecution being brought and determined in any division.

7. Improper venue. If any action or proceeding, civil or criminal, is brought in the wrong division, the court, upon motion or on its own initiative, may transfer it to a proper division. Any objection to improper venue is waived unless asserted by motion to transfer the case made before the commencement of trial or, in the event of default in appearance or answer, before the entry of judgment.

8. Transfer of any case. The court may, upon motion or its own initiative, transfer any case to another division for the convenience of parties or witnesses or in the interest of justice.

SECTION HISTORY

PL 1999, c. 731, §ZZZ5 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 2009, c. 245, §§1, 2 (AMD).

§156. Rules

1. Pending new rules. Pending promulgation of new rules as provided in subsection 2:

A. The rules of procedure now in effect for cases and proceedings within the jurisdiction vested by this chapter in the District Court shall apply.

B. Appeals from the District Court shall be heard de novo in the Superior Court.

2. Rules. The Supreme Judicial Court is empowered to make and amend rules of procedure for the District Court and for appeals from the District Court.

§157. Judges; appointment; salary; expenses; full-time duties

1. Appointment. District Court Judges are appointed as follows.

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court 42 judges, except that, beginning July 1, 2024, the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court 44 judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge. [PL 2023, c. 412, Pt. ZZZZ, §2 (AMD).]

B. The Chief Justice of the Supreme Judicial Court shall designate one of the judges as Chief Judge. The Chief Judge, with the approval of the Chief Justice of the Supreme Judicial Court, shall designate one of the District Court Judges as Deputy Chief Judge who has all the duties, powers and responsibilities of the Chief Judge when the Chief Judge is unable to perform them because of illness, absence or disability. [PL 1993, c. 675, Pt. B, §4 (AMD).]
[PL 2023, c. 412, Pt. ZZZZ, §2 (AMD).]

2. Chief Judge; salary. The Chief Judge of the District Court is entitled to receive a salary, for fiscal year 1998-99 and thereafter, of $94,000, to be paid biweekly.
[PL 1997, c. 643, Pt. M, §7 (AMD).]

3. Deputy Chief Judge; salary. The Deputy Chief Judge of the District Court is entitled to receive a salary, for fiscal year 1998-99 and thereafter, of $92,000, to be paid biweekly.
[PL 1997, c. 643, Pt. M, §8 (AMD).]

4. Associate judge; salary. Each Associate Judge of the District Court shall receive a salary as follows:

A. For fiscal year 1998-99 and thereafter, $90,000, to be paid biweekly. [PL 1997, c. 643, Pt. M, §9 (RPR).]

B. [PL 1989, c. 596, Pt. C, §§3, 8 (RP).]

C. [PL 1989, c. 596, Pt. C, §§3, 8 (RP).]

D. [PL 1989, c. 596, Pt. C, §§3, 8 (RP).]

E. [PL 1989, c. 596, Pt. C, §§3, 8 (RP).]

[PL 1997, c. 643, Pt. M, §9 (AMD).]

4-A. Cost-of-living adjustment. The salaries of the associate judges shall be adjusted as established in Title 4, section 4, subsection 2-A.

[PL 1989, c. 501, Pt. O, §§16, 22 (NEW).]

5. Expenses. Each judge must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for those expenses as established by judicial branch policy, actually and reasonably incurred in attending meetings and sessions of the court. Reimbursement for mileage must be paid at the rate paid state employees under Title 5, section 8.

[PL 2007, c. 539, Pt. JJ, §2 (AMD).]

6. Full-time duties. A District Court Judge shall devote full time to that District Court Judge's judicial duties. During that District Court Judge's term of office, that judge may not practice law or be the partner or associate of any person in the practice of law.

[RR 2021, c. 1, Pt. B, §4 (COR).]

7. Exception. The salary provisions of this section shall not apply to judges who have retired prior to December 1, 1984.

[PL 1983, c. 863, Pt. B, §§7, 45 (RPR).]

SECTION HISTORY

PL 1965, c. 237, §1 (AMD). PL 1965, c. 372 (AMD). PL 1965, c. 513, §5 (AMD). PL 1967, c. 476, §6 (AMD). PL 1967, c. 478 (AMD). PL 1969, c. 67 (AMD). PL 1969, c. 580, §3 (AMD). PL 1971, c. 135 (AMD). P&SL 1971, c. 179, §N (AMD). PL 1971, c. 544, §8 (AMD). P&SL 1973, c. 209, §7 (AMD). PL 1973, c. 417, §1 (AMD). PL 1973, c. 509, §6 (RPR). PL 1973, c. 596, §§1,3 (AMD). PL 1973, c. 788, §§5,6 (AMD). PL 1975, c. 259 (AMD). PL 1975, c. 559, §1 (AMD). PL 1975, c. 771, §19 (AMD). PL 1977, c. 429, §1 (AMD). PL 1977, c. 696, §21 (AMD). PL 1979, c. 544, §7 (RPR). PL 1981, c. 486, §3 (AMD). PL 1981, c. 489, §1 (AMD). PL 1981, c. 705, §F1 (AMD). PL 1983, c. 477, Pt. E, Subpt. 1, §3 (AMD). PL 1983, c. 825, §2 (AMD). PL 1983, c. 853, §§C10,18 (RPR). PL 1983, c. 863, §§B7,45 (RPR). PL 1985, c. 434, §2 (AMD). PL 1985, c. 506, §B1 (AMD). PL 1987, c. 349, §H1 (AMD). PL 1989, c. 501, §§P2,O15,16, 22 (AMD). PL 1989, c. 596, §§C3,8 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 1993, c. 675, §§B3,4 (AMD). PL 1995, c. 665, §X1 (AMD). PL 1995, c. 665, §X2 (AFF). PL 1997, c. 10, §1 (AMD). PL 1997, c. 643, §§M7-9 (AMD). PL 1999, c. 510, §1 (AMD). PL 1999, c. 547, §§A2,B7 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 667, §A1 (AMD). PL 2005, c. 519, §III2 (AMD). PL 2007, c. 539, Pt. JJ, §2 (AMD). PL 2015, c. 377, §1 (AMD). PL 2015, c. 460, §2 (AMD). RR 2021, c. 1, Pt. B, §4 (COR). PL 2023, c. 412, Pt. ZZZZ, §2 (AMD).

§157-A. Compensation upon retirement

(REPEALED)

SECTION HISTORY

PL 1973, c. 417, §2 (NEW). PL 1975, c. 701, §4 (AMD). PL 1981, c. 488, §§5,6 (AMD). PL 1983, c. 167, §3 (AMD). PL 1983, c. 853, §§C11,18 (RP).

§157-B. Active retired judges; appointment

Any Judge of the District Court who has retired from the court under this chapter prior to December 1, 1984, or any Judge of the District Court who retires or terminates that judge's service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active

Retired Judge of the District Court as provided. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, may appoint any eligible judge to be an Active Retired Judge of the District Court for a term of 7 years, unless sooner removed. That judge may be reappointed for a like term. Any judge so appointed and designated thereupon constitutes a part of the court from which that judge has retired and has the same jurisdiction and is subject to the same restrictions therein as before retirement. An Active Retired Judge of the District Court may serve as an arbitrator and conduct arbitration in accordance with rules that may be adopted by the Supreme Judicial Court, except that nothing in this section requires the Supreme Judicial Court to adopt those rules. An Active Retired Judge of the District Court may chair screening panels in accordance with Title 24, chapter 21, subchapter 4-A. An Active Retired Judge of the District Court may act only in those cases and matters and hold court only at those sessions and times as that judge is directed and assigned by the Chief Judge of the District Court. Any Active Retired Judge of the District Court may be directed by the Chief Judge to hold any session of the District Court in any district and when so directed has authority and jurisdiction therein the same as if that judge were the regular judge of that court and, whenever the Chief Judge of the District Court so orders, may hear all matters and issue all orders, notices, decrees and judgments that any Judge of that District Court is authorized to hear and issue. An Active Retired Judge of the District Court receives reimbursement for expenses actually and reasonably incurred in the performance of that judge's duties. An Active Retired Judge of the District Court may be assigned by the Chief Judge of the District Court to act as a mediator for the foreclosure mediation program in accordance with Title 14, section 6321-A, subsection 7. [PL 2009, c. 402, §3 (AMD).]

SECTION HISTORY

PL 1973, c. 417, §3 (NEW). PL 1975, c. 771, §20 (AMD). PL 1979, c. 692, §§3,4 (AMD). PL 1983, c. 416, §3 (AMD). PL 1983, c. 853, §§C12,18 (AMD). PL 2009, c. 136, §2 (AMD). PL 2009, c. 402, §3 (AMD).

§157-C. Judge or Active Retired Judge of the District Court to sit in Superior Court

A Judge or an Active Retired Judge of the District Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any county and when so directed has authority and jurisdiction therein as if a regular Justice of the Superior Court; and whenever the Chief Justice of the Supreme Judicial Court so directs, that judge may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court is authorized to hear and issue. [PL 1999, c. 547, Pt. B, §4 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

No Judge or Active Retired Judge of the District Court so sitting in the Superior Court may act in any case in which that judge has sat in the District Court nor in which that judge otherwise has an interest. [PL 1999, c. 547, Pt. B, §4 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

The order of the Chief Justice of the Supreme Judicial Court directing a Judge or an Active Retired Judge of the District Court to sit in the Superior Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by that judge. [PL 1999, c. 547, Pt. B, §4 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1979, c. 12, §2 (NEW). PL 1983, c. 112 (AMD). PL 1999, c. 547, §B8 (AMD). PL 1999, c. 547, §B80 (AFF).

§157-D. Active retired judges; compensation

Any Active Retired Judge of the District Court who performs judicial service at the direction and assignment of the Chief Judge of the District Court is compensated for those services at the rate of $350 per day or $200 per 1/2 day, as long as the total compensation received under this section by an Active Retired Judge of the District Court in any calendar year does not exceed 75% of the annual salary of an

Associate Judge of the District Court set pursuant to section 157. An Active Retired Judge of the District Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental or life insurance. [PL 2017, c. 284, Pt. XXXX, §3 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C13,18 (NEW). PL 1989, c. 501, §§O17,22 (AMD). PL 1989, c. 596, §C8 (AMD). PL 1991, c. 824, §§B13,14 (AFF). PL 1997, c. 643, §M10 (AMD). PL 2001, c. 439, §DDD2 (AMD). PL 2017, c. 284, Pt. XXXX, §3 (AMD).

§157-E. Judge or Active Retired Judge of District Court assigned to sit in Administrative Court

(REPEALED)

SECTION HISTORY

PL 1989, c. 891, §A6 (NEW). PL 1999, c. 547, §B9 (RP). PL 1999, c. 547, §B80 (AFF).

§158. Ex officio, notary public; may administer oaths

Judges and clerks of the District Court are, ex officio, notaries public, and all their official acts, attested by them in either capacity, except those pertaining to the exclusive jurisdiction of judges and clerks of District Courts, are of equal effect. Judges and clerks of the District Court may administer all oaths required by law, unless another officer is specifically required to do it. [PL 1981, c. 456, §3 (AMD).]

SECTION HISTORY

PL 1981, c. 456, §A3 (AMD).

§159. Clerks; appointment

For each division, for the violations bureau and for the office of the Chief Judge, the Chief Judge shall appoint clerks and deputy clerks as necessary. A clerk of the Superior Court may also serve as the clerk of the District Court. If the business of any division or the violations bureau does not require the full-time service of a clerk, the Chief Judge may appoint a part-time clerk for that division or violations bureau. Whenever the clerk is unable to perform the duties of that office or so directs, the deputy has all the power and performs all the duties of clerk. Whenever a clerk is absent or temporarily unable to perform the duties as clerk and there is no deputy clerk authorized or available to exercise the powers and perform the duties of clerk and an existing or immediate session of the court renders it necessary, the Chief Judge may designate a clerk pro tempore who has the same powers and duties of the clerk. [PL 1995, c. 560, Pt. I, §14 (AMD).]

The clerk of the District Court may sign notices to appear in court for hearings on nonpayment of fines, counsel fees or restitution. [PL 1997, c. 135, §2 (NEW).]

SECTION HISTORY

PL 1973, c. 83 (AMD). PL 1983, c. 131, §1 (AMD). PL 1991, c. 549, §1 (AMD). PL 1991, c. 549, §17 (AFF). PL 1995, c. 560, §I14 (AMD). PL 1997, c. 135, §2 (AMD).

§160. Clerks, taking of bail authorized

(REPEALED)

SECTION HISTORY

PL 1965, c. 356, §2 (AMD). PL 1967, c. 134 (AMD). PL 1987, c. 758, §1 (RP).

§161. Justice of the peace; appointment; duties; salary

The Chief Judge of the District Court may authorize any attorney-at-law, who is duly licensed to practice law in the State, to receive complaints and to issue process for the arrest of persons charged with offenses, to issue search warrants and to endorse certificates of commitment of the mentally ill, all in accordance with law, and to perform all other such acts and duties that are or may be authorized by law. The powers to issue process for the arrest of persons charged with offenses and to issue search warrants extend to offenses subject to the exclusive jurisdiction of the Passamaquoddy Tribe or the Penobscot Nation under the terms of Title 30, section 6209-A or 6209-B. That attorney may be known as a justice of the peace. [PL 1995, c. 388, §1 (AMD); PL 1995, c. 388, §8 (AFF).]

The justice of the peace shall serve at the pleasure of the Chief Judge of the District Court, but no term for which a justice of the peace is appointed may exceed 5 years. [PL 1987, c. 736, §3 (AMD).]

The justice of the peace shall receive such salary as shall be determined by the Chief Judge and paid as an expense of the District Court. [PL 1987, c. 736, §3 (AMD).]

The Chief Judge of the District Court may also authorize any clerk or deputy clerk of the District Court to issue process for the arrest of persons charged with offenses if the Chief Judge is satisfied that the clerk or deputy clerk has the necessary training and learning to perform that function. When acting in that capacity, the clerk or deputy clerk shall be considered a justice of the peace and shall serve at the pleasure of the Chief Judge. [PL 1987, c. 736, §3 (NEW).]

SECTION HISTORY

PL 1967, c. 420 (AMD). PL 1967, c. 434, §1 (AMD). PL 1973, c. 216 (RPR). PL 1985, c. 737, §A12 (AMD). PL 1987, c. 736, §3 (AMD). PL 1991, c. 484, §1 (AMD). PL 1995, c. 388, §1 (AMD). PL 1995, c. 388, §8 (AFF).

§162. Place for holding court; suitable quarters

In each division, the place for holding court must be located in a state, county or municipal building designated by the Chief Judge who, with the advice and approval of the Bureau of General Services, is empowered to negotiate on behalf of the State the leases, contracts and other arrangements the Chief Judge considers necessary, within the limits of the budget and the funds available, to provide suitable quarters, adequately furnished and equipped for the District Court in each division. [PL 2011, c. 691, Pt. B, §4 (AMD).]

The facilities of the Superior Court in each county when that court is not in session must be available for use by the District Court of that division in which such facilities are located. Arrangements for such use must be made by the Chief Judge. [PL 2009, c. 415, Pt. B, §1 (AMD).]

If the Chief Judge is unable to negotiate the leases, contracts and other arrangements as provided in this section, the Chief Judge may, with the advice and approval of the Bureau of General Services, negotiate on behalf of the State, the leases, contracts and other arrangements the Chief Judge considers necessary, within the limits of the budget and funds available, to provide suitable quarters, adequately furnished and equipped for the District Court in privately owned buildings. [PL 2011, c. 691, Pt. B, §4 (AMD).]

SECTION HISTORY

PL 2009, c. 415, Pt. B, §1 (AMD). PL 2011, c. 691, Pt. B, §4 (AMD).

§163. Funds

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with section 1057; Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; Title 29-A,

section 2411, subsection 7; and Title 34-A, section 1210-E, subsection 8. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost-effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.
[PL 2023, c. 405, Pt. A, §4 (AMD); PL 2023, c. 405, Pt. A, §5 (AFF).]

2. Expenses. The Treasurer of State shall pay all sums of money produced by cases in the District Court which shall become due to state departments and agencies, municipalities, and state, county and municipal offices.
[PL 1967, c. 449, §2 (RPR).]

3. District Court Building Fund.
[PL 2009, c. 415, Pt. B, §2 (RP).]

4. Balance to State. The balance remaining in the District Court Fund after paying or setting aside the sums described in this section shall accrue to the State.
[PL 1975, c. 735, §6 (RPR).]

SECTION HISTORY

PL 1967, c. 449, §§1-3 (AMD). PL 1971, c. 97, §1 (AMD). PL 1975, c. 383, §§4-A (AMD). PL 1975, c. 408, §13 (AMD). PL 1975, c. 735, §6 (AMD). PL 1979, c. 127, §13 (AMD). PL 1987, c. 339, §2 (AMD). PL 1989, c. 501, §P3 (AMD). RR 1991, c. 2, §4 (COR). PL 1991, c. 132, §2 (AMD). PL 1991, c. 549, §2 (AMD). PL 1991, c. 549, §17 (AFF). PL 1991, c. 806, §1 (AMD). PL 1995, c. 65, §A3 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1999, c. 357, §2 (AMD). PL 2001, c. 617, §2 (AMD). PL 2001, c. 698, §2 (AMD). PL 2001, c. 698, §7 (AFF). PL 2003, c. 20, §R2 (AMD). PL 2003, c. 20, §R10 (AFF). PL 2007, c. 377, §2 (AMD). PL 2007, c. 377, §17 (AFF). PL 2009, c. 415, Pt. B, §2 (AMD). PL 2015, c. 44, §1 (AMD). PL 2021, c. 676, Pt. B, §2 (AMD). PL 2023, c. 405, Pt. A, §4 (AMD). PL 2023, c. 405, Pt. A, §5 (AFF).

§164. Duties of Chief Judge

The Chief Judge shall be responsible to and under the supervision of the Chief Justice of the Supreme Judicial Court for the operation of the District Court and shall serve as Chief Judge at the pleasure of the Chief Justice. To this end the Chief Judge shall: [PL 1975, c. 408, §14 (AMD).]

1. Hold court when necessary. Hold court in any division when the Chief Judge determines it necessary by reason of illness, absence or disability of the judge regularly assigned or by reason of an excessive case load in any district;
[PL 2019, c. 475, §43 (AMD).]

1-A. Appoint bail commissioners. Appoint bail commissioners pursuant to Title 15, section 1023, for any district;
[PL 1995, c. 462, Pt. A, §3 (RPR).]

2. Assign judges. Assign judges to hold court in any division where, in the judgment of the Chief Judge, they are needed;
[PL 1993, c. 675, Pt. B, §6 (AMD).]

3. Days and hours for holding court. Fix the days and hours for holding court in each division;
[PL 1991, c. 824, Pt. A, §2 (AMD).]

4. Vacations. Determine the times for the taking of vacations by all district judges;

5. Assign judges.
[PL 1993, c. 675, Pt. B, §7 (RP).]

6. Records and reports. Prescribe, subject to the approval of the Chief Justice or the Chief Justice's delegate, the records to be kept and destroyed and the reports to be made by each district judge;
[PL 2019, c. 475, §44 (AMD).]

7. Statistics. Collect such statistics and other information pertaining to the business of the District Court as are requested by the Chief Justice or the Chief Justice's delegate;
[PL 2019, c. 475, §44 (AMD).]

8. Budget. Utilizing such assistance from the Administrative Office of the Courts as the Chief Judge may request, prepare and submit a proposed annual budget for the District Court to the Chief Justice or the Chief Justice's delegate;
[PL 2019, c. 475, §45 (AMD).]

9. Report. Render to the Chief Justice of the Supreme Judicial Court an annual report on the state of business in the District Court and on the conferences held pursuant to subsection 11;

10. Courtroom facilities. Make necessary arrangements for proper courtroom facilities for all branches of the District Court pursuant to section 162; establish headquarters with appropriate facilities for the Chief Judge; and establish quarters and facilities for all District Court judges;
[PL 1993, c. 675, Pt. B, §8 (AMD).]

11. Conference of judges. Convene at least once annually at such place as the Chief Judge considers appropriate, a conference of District Court Judges to consider and take action upon or make recommendations with respect to current problems in the operation of the District Court. The expenses of District Court Judges attending this conference are an expense of the District Court;
[PL 2019, c. 475, §46 (AMD).]

12. Violations bureau. Notwithstanding any other statute or law, establish the violations bureau.

A. The violations bureau has jurisdiction over all traffic infractions committed in this State. Unless otherwise ordered by a court, trial of a traffic infraction must be in the division in which the alleged infraction was committed. [PL 1991, c. 549, §3 (RPR); PL 1991, c. 549, §17 (AFF).]

B. The Chief Judge by order, which may from time to time be amended, shall designate the amount of fines imposed for traffic infractions. [PL 1991, c. 549, §3 (RPR); PL 1991, c. 549, §17 (AFF).]

C. The Maine Rules of Civil Procedure applies in all traffic infraction proceedings. [PL 1991, c. 549, §3 (RPR); PL 1991, c. 549, §17 (AFF).]

D. The clerk of each division has the authority to accept pleadings and fines on behalf of the violations bureau; [PL 1991, c. 549, §3 (RPR); PL 1991, c. 549, §17 (AFF).]

E. [PL 1991, c. 549, §3 (RP); PL 1991, c. 549, §17 (AFF).]
[PL 1991, c. 549, §3 (RPR); PL 1991, c. 549, §17 (AFF).]

13. Additional duties. Perform such additional duties as may be assigned by the Chief Justice of the Supreme Judicial Court;
[PL 1993, c. 680, Pt. A, §2 (AMD).]

14. Powers reserved to the Supreme Judicial Court.
[PL 1993, c. 680, Pt. A, §3 (RP).]

15. Fisheries and wildlife bureau. Establish in each division a fisheries and wildlife bureau. The Chief Judge shall appoint a clerk of the District Court in each division as violations clerk for the fisheries and wildlife bureau in that division.

The violations clerk shall accept written appearances, waivers of trial, pleas of guilty and payments of fines and costs in fisheries and wildlife offense cases, subject to the limitations prescribed in this

subsection. The violations clerk serves under the direction and control of the judge of the court for which the violations clerk is appointed.

A. A fisheries and wildlife offense means any violation of any provision of Title 12, Part 13; any provision of law enumerated in Title 12, section 10353; or any rule adopted by the Commissioner of Inland Fisheries and Wildlife pursuant to these provisions. [PL 2003, c. 414, Pt. B, §1 (AMD); PL 2003, c. 614, §9 (AFF).]

B. The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the fisheries and wildlife offenses within the authority of the violations clerk, except that such offenses may not include any offense for which a mandatory minimum term of imprisonment is provided by law. The court shall establish schedules, within the limits prescribed by law, of the amount of fines to be imposed for such offenses. The order of the court establishing the schedules must be prominently posted in the place where the fines are paid. Fines and costs must be paid to, receipted by and accounted for by the violations clerk in accordance with these provisions. [PL 1993, c. 680, Pt. A, §4 (AMD).]

C. Any person charged with any fisheries and wildlife offense within the authority of the violations clerk may file an appearance in person or by mail before the violations clerk and enter a plea admitting the infraction charged and waiver of trial and pay the fine established for the infraction charged and costs. Any person entering a plea admitting the infraction charged must be informed of that person's rights, including the right to stand trial, that that person's signature to a plea admitting the infraction charged will have the same effect as a judgment of the court and that the record of adjudication will be sent to the Commissioner of Inland Fisheries and Wildlife. [PL 1993, c. 680, Pt. A, §4 (AMD).]

D. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one or more previous fisheries and wildlife offenses subject to this subsection within a 12-month period may not appear before the violations clerk unless the court, by order, permits that appearance. Each waiver of hearing filed under this subsection must recite on the oath or affirmation of the offender whether or not the offender has been previously found guilty of, or to have committed, or has previously signed a plea of guilty to, admitting or admitting with an explanation to, one or more fisheries and wildlife offenses within a 12-month period. Any person swearing falsely to such a statement, upon conviction, is subject to a fine of not more than $50. [PL 1995, c. 462, Pt. A, §4 (AMD).]

E. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or the Chief Justice's delegate, may authorize forms and procedures the Chief Judge considers appropriate to carry out this subsection; [PL 1993, c. 680, Pt. A, §4 (AMD).]

[PL 2003, c. 414, Pt. B, §1 (AMD); PL 2003, c. 614, §9 (AFF).]

16. Development and implementation of administrative concepts. Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the District Court and make recommendations to the Chief Justice of the Supreme Judicial Court concerning the number of judges and other personnel required for the efficient administration of justice and examine, with the advice of the judges of the District Court, the status of dockets of the various District Courts to determine whether the business of the court is being carried out in an efficient manner. From such an examination, the Chief Judge shall annually make recommendations to the Chief Justice of the Supreme Judicial Court for guidelines and policies for the scheduling and trial of matters before the District Court. In providing recommendations, the Chief Judge shall give due and appropriate regard to the recommendations of the judges and other personnel of the District Court and shall provide a mechanism whereby their individual recommendations and comments may be brought to the attention of the Chief Justice. The Chief Judge, in advising as to the appropriateness of the methods or the

systems for scheduling trials and the management of matters before the District Court, shall take into consideration systems and methods operational in the Superior Court. The final decision as to the management of personnel and the implementation of guidelines, policies and procedures for the scheduling of trials and management of matters before the District Court must be made by the Chief Justice only after consultation with the Chief Judge;
[PL 1993, c. 680, Pt. A, §5 (AMD).]

17. Marine resources bureau. Establish in each division a marine resources bureau. The Chief Judge shall appoint a clerk of the District Court in each division as violations clerk for the marine resources bureau in that division.

The violations clerk shall accept written appearances, waivers of trial, pleas of guilty and payments of fines and costs in marine resources offense cases, subject to the limitations prescribed in this subsection. The violations clerk serves under the direction and control of the judge of the court for which the violations clerk is appointed.

A. A marine resources offense means any violation of any provision of Title 12, chapters 601 to 627 and chapters 935, 937 and 939, or any rules adopted by the Commissioner of Marine Resources pursuant to those chapters. [PL 2003, c. 414, Pt. B, §2 (AMD); PL 2003, c. 614, §9 (AFF).]

B. The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the marine resources offenses within the authority of the violations clerk, except that the offenses may not include any offense for which a mandatory minimum term of imprisonment is provided by law. The court shall establish schedules, within the limits prescribed by law, of the amount of fines to be imposed for the offenses. The order of the court establishing the schedules must be prominently posted in the place where the fines are paid. Fines and costs must be paid to, receipted by and accounted for by the violations clerk in accordance with these provisions. [PL 1993, c. 680, Pt. A, §6 (AMD).]

C. Any person charged with any marine resources offense within the authority of the violations clerk may file an appearance in person or by mail before the violations clerk. Any person may enter a plea admitting the violation charged and waiver of trial and pay the fine, and costs, established for the violation charged. Any person entering a plea admitting the infraction charged must be informed of that person's rights, including the right to stand trial, that that person's signature to a plea admitting the violation charged will have the same effect as a judgment of the court and that the record of adjudication will be sent to the Commissioner of Marine Resources. [PL 1993, c. 680, Pt. A, §6 (AMD).]

D. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one or more previous marine resources offenses subject to this subsection within a 12-month period may not appear before the violations clerk unless the court, by order, permits that appearance. Each waiver of hearing filed under this subsection must recite on the oath or affirmation of the offender whether or not the offender has been previously found guilty of or to have committed or has previously signed a plea of guilty to, admitting or admitting with an explanation to, one or more marine resources offenses within a 12-month period. Any person swearing falsely to such a statement is, upon conviction, subject to a fine of not more than $50. [PL 1993, c. 680, Pt. A, §6 (AMD).]

E. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or the Chief Justice's delegate, may authorize such forms and procedures as the Chief Judge considers appropriate to carry out this subsection; [PL 2021, c. 723, §3 (AMD).]
[PL 2021, c. 723, §3 (AMD).]

18. Forest service bureau. Establish in each division a forest service bureau. The Chief Judge shall appoint the clerk of the District Court in each division as violations clerk for the forest service bureau.

The violations clerk shall accept written appearances, waivers of trial, pleas of guilty and payments of fines and costs in forest service offense cases, subject to the limitations prescribed in this subsection. The violations clerk serves under the direction and control of the judge of the court for which that clerk is appointed.

A. For purposes of this subsection, a forest service offense means any violation of Title 12, chapters 801, 805, 807, 809, 935, 937 and 939 and section 10203, subsection 6 and sections 10651, 10653 and 11221 or any rules adopted by the Director of the Maine Forest Service pursuant to those chapters. [PL 2003, c. 414, Pt. B, §3 (AMD); PL 2003, c. 614, §9 (AFF).]

B. The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the forest service offenses within the authority of the violations clerk, except that the offenses may not include any offense for which a mandatory minimum term of imprisonment is provided by law. The court shall establish schedules, within the limits prescribed by law, of the amount of fines to be imposed for the offenses. The order of the court establishing the schedules must be prominently posted in the place where the fines are paid. Fines and costs must be paid to, receipted by and accounted for by the violations clerk in accordance with these provisions. [PL 1991, c. 635 (NEW).]

C. A person charged with a forest service offense within the authority of the violations clerk may file an appearance in person or by mail before the violations clerk. A person may enter a plea admitting the violation charged and a waiver of trial and pay the fine and costs established for the violation charged. A person entering a plea admitting the violation charged must be informed of the person's rights, including the right to stand trial, that the person's signature to a plea admitting the violation charged has the same effect as a judgment of the court and that the record of adjudication will be sent to the Director of the Maine Forest Service. [PL 1991, c. 635 (NEW).]

D. A person who, within a 12-month period, has been found guilty of, has signed a plea of guilty to, has been found to have committed or has signed a plea admitting, or admitting with an explanation, one or more previous forest service offenses subject to this subsection may not appear before the violations clerk unless the court, by order, permits that appearance. Each waiver of hearing filed under this subsection must recite on the oath or affirmation of the offender whether the offender was previously found guilty of or committed or previously signed a plea of guilty to or signed a plea admitting, or admitting with an explanation, one or more forest service offenses within a 12-month period. A person swearing falsely to such a statement is subject, upon conviction, to a fine of not more than $50. [PL 1991, c. 635 (NEW).]

E. The Chief Judge, following notification to the Chief Justice of the Supreme Court or the Chief Justice's delegate, may authorize forms and procedures as the Chief Judge considers appropriate to carry out this subsection; and [PL 2021, c. 723, §4 (AMD).]

[PL 2021, c. 723, §4 (AMD).]

19. Annual training; domestic violence and child abuse issues. Establish annual training and education designed to inform District Court Judges on domestic violence and child abuse, neglect and maltreatment issues.

[PL 2021, c. 723, §5 (NEW).]

Powers not enumerated in this section but necessary or desirable for the proper administration of the courts may, from time to time, be promulgated and assigned, by rule of the Supreme Judicial Court.

[PL 1993, c. 680, Pt. A, §7 (NEW).]

SECTION HISTORY

PL 1969, c. 299 (AMD). PL 1973, c. 625, §9 (AMD). PL 1975, c. 408, §§14-19 (AMD). PL 1975, c. 430, §§4,5 (AMD). PL 1975, c. 623, §§3-C (AMD). PL 1975, c. 731, §§1,2 (AMD). PL 1975, c. 770, §12 (AMD). PL 1977, c. 392 (AMD). PL 1977, c. 544, §§7-10 (AMD). PL 1977, c. 696, §§22,23 (AMD). PL 1979, c. 541, §§A11,A12 (AMD). PL 1981, c. 414, §1 (AMD). PL 1983, c. 107 (AMD). PL 1983, c. 548, §2 (AMD). PL 1985, c. 481, §A4 (AMD). PL 1985, c. 506, §B2 (AMD). PL 1987, c. 758, §2 (AMD). PL 1989, c. 875, §E4 (AMD). PL 1989, c. 891, §A7 (AMD). PL 1991, c. 91 (AMD). PL 1991, c. 549, §3 (AMD). PL 1991, c. 549, §17 (AFF). PL 1991, c. 635 (AMD). PL 1991, c. 824, §A2 (AMD). PL 1993, c. 675, §§B5-8 (AMD). PL 1993, c. 680, §§A1-7 (AMD). PL 1995, c. 462, §§A3,4 (AMD). PL 2003, c. 414, §§B1-3 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2019, c. 475, §§43-46 (AMD). PL 2021, c. 723, §§3-5 (AMD).

§164-A. Acceptance of fine and guilty plea

The clerk of each division may accept a guilty plea to a criminal traffic offense upon payment of a fine and surcharge in accordance with a schedule of offenses and fines established by the Chief Judge. A person tendering payment of a fine without filing a signed waiver is deemed to have read and waived that person's rights, to understand that tendering payment is deemed a waiver and has the same effect as a judgment of the court and to understand that the record of the judgment will be sent to the Secretary of State. [PL 1991, c. 549, §4 (NEW); PL 1991, c. 549, §17 (AFF).]

SECTION HISTORY

PL 1991, c. 549, §4 (NEW). PL 1991, c. 549, §17 (AFF).

§164-B. Appointment of clerk

(REPEALED)

SECTION HISTORY

PL 1991, c. 549, §4 (NEW). PL 1991, c. 549, §17 (AFF).

§165. District Court; jurisdiction over crimes and juvenile offenses

1. Crimes; under one year imprisonment. The District Court has jurisdiction and, except as provided in Title 29-A, section 2602, concurrent jurisdiction with the Superior Court of all crimes, including violation of any statute or a bylaw of a town, village corporation or local health officer and breach of the peace, for which the maximum term of imprisonment to which the defendant may be sentenced upon conviction of that crime is less than one year.
[PL 1999, c. 731, Pt. ZZZ, §6 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

2. Juvenile Court. The District Court has jurisdiction over juvenile offenses pursuant to Title 15, Part 6.
[PL 1999, c. 731, Pt. ZZZ, §6 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

3. Crimes; one year or more imprisonment. The District Court has, concurrent with the Superior Court, original jurisdiction to receive pleas of guilty in criminal cases, other than murder, in which:

A. The maximum term of imprisonment to which the defendant may be sentenced upon conviction of that crime is one year or more; [PL 1999, c. 731, Pt. ZZZ, §6 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

B. The defendant has in writing waived the defendant's right to indictment by grand jury and the defendant's right to a jury trial; and [PL 1999, c. 731, Pt. ZZZ, §6 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

C. The defendant has indicated the defendant's intention to enter a plea of guilty to the charges pending against the defendant. [PL 1999, c. 731, Pt. ZZZ, §6 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

When exercising such jurisdiction, the District Court possesses all of the powers of the Superior Court. The District Court shall exercise that jurisdiction in the manner that the Supreme Judicial Court by rule provides. Any person sentenced under this subsection is entitled to the rights provided by Title 15, chapter 306-A.
[PL 2005, c. 326, §1 (AMD); PL 2005, c. 326, §5 (AFF).]

4. Issue process. The District Court has jurisdiction to issue process with respect to any violation over which the Passamaquoddy Tribe or the Penobscot Nation exercises exclusive jurisdiction under Title 30, section 6209-A or 6209-B.
[PL 1999, c. 731, Pt. ZZZ, §6 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

5. Power to sentence. The District Court may impose any authorized sentencing alternative.
[PL 1999, c. 731, Pt. ZZZ, §6 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

SECTION HISTORY

PL 1975, c. 430, §6 (AMD). PL 1991, c. 484, §2 (AMD). PL 1995, c. 65, §A4 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 388, §2 (AMD). PL 1995, c. 388, §8 (AFF). PL 1999, c. 731, §ZZZ6 (RPR). PL 1999, c. 731, §ZZZ42 (AFF). PL 2005, c. 326, §1 (AMD). PL 2005, c. 326, §5 (AFF).

§166. -- Terms of court

(REPEALED)

SECTION HISTORY

PL 1965, c. 19, §1 (RP).

§167. -- Bail

(REPEALED)

SECTION HISTORY

PL 1965, c. 356, §3 (RP).

§168. Examination to determine sanity of accused

A Judge of the District Court may order a person, who is accused of an offense, to be examined by a physician without delay, to determine whether or not such person is insane. The cost of such examination shall be paid from the treasury of the county in which the action is pending. [PL 1967, c. 222 (AMD).]

SECTION HISTORY

PL 1967, c. 222 (AMD).

§169. Administration of oaths

Judges of the District Court and notaries public may administer all oaths required by law, unless another officer is specially required to do it. [PL 1981, c. 456, Pt. A, §4 (AMD).]

SECTION HISTORY

PL 1981, c. 456, §A4 (AMD).

§170. Commanding assistance for arrest

Upon view of an affray, riot, assault or battery, Judges of the District Court may, without warrant, command the assistance of any sheriff, deputy sheriff, constable or person present to repress the same and to arrest all concerned therein.

§171. Duty on receipt of complaints

When complaint is made to the proper officer of the District Court charging a person with the commission of a criminal offense, that officer shall issue a warrant for the person's arrest or a summons in such form and under such circumstances as the Supreme Judicial Court may by rule provide. [RR 2021, c. 1, Pt. B, §5 (COR).]

The officer may, and on complaint shall, cause to be arrested persons found within the officer's county or in an adjoining county under the conditions specified in the first paragraph of section 161 charged with offenses; and those having committed offenses therein or in an adjoining county who have escaped therefrom or from an adjoining county; and all persons charged with offenses and crimes, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace. [RR 2021, c. 1, Pt. B, §5 (COR).]

A district judge may try those brought before that judge for offenses within that judge's jurisdiction, although the penalty or fine accrues wholly or partly to that judge's town. [RR 2021, c. 1, Pt. B, §5 (COR).]

Warrants issued by the proper officer of the District Court in criminal cases must be signed by that officer at the time they are issued. [RR 2021, c. 1, Pt. B, §5 (COR).]

SECTION HISTORY

PL 1965, c. 356, §4 (RPR). PL 1965, c. 425, §4 (AMD). PL 1967, c. 434, §2 (AMD). PL 1975, c. 430, §7 (AMD). PL 1975, c. 731, §3 (AMD). PL 1979, c. 127, §14 (AMD). PL 1979, c. 663, §9 (RPR). PL 1987, c. 758, §3 (AMD). RR 2021, c. 1, Pt. B, §5 (COR).

§171-A. Traffic infraction and civil violation complaints

1. Traffic infraction. When a complaint is made to the proper officer of the District Court charging a person with the commission of a traffic infraction the officer of the District Court shall cause to be served upon the person a Violation Summons and Complaint or other process in such form and under such circumstances as the Supreme Judicial Court shall by rule provide.
[PL 1991, c. 733, §1 (NEW).]

2. Civil violations. When a complaint is made to the proper officer of the District Court charging a person with the commission of a civil violation other than a traffic infraction, the officer of the District Court shall cause to be served upon the person a Uniform Summons and Complaint or other process in such form and under such circumstances as the Supreme Judicial Court shall by rule provide. The clerk of each division may accept an admission to a civil violation upon payment of a fine and surcharge in accordance with a schedule of violations, fines and surcharges, within the limits prescribed by law, established by the Chief Judge, which the Chief Judge may amend.
[PL 2017, c. 329, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 731, §4 (NEW). PL 1991, c. 733, §1 (RPR). PL 2017, c. 329, §1 (AMD).

§172. Judge unable to attend; continuance

Whenever a District Judge is unable to attend court, any clerk of the District Court may continue any case in such court for a period of not more than 14 days.

§173. Costs and fees; criminal

The following provisions shall apply to the District Court:

1. Definitions and limitations. This section applies only to costs and fees arising from the criminal and civil violation proceedings in the District Court. When any criminal or civil violation case is appealed from such court to the Superior Court, the latter may tax and impose costs from its proceeding, which may not include any fees or costs arising from the proceedings or arrest in the lower court.

This section may not be interpreted to prohibit a court from filing a case upon payment of costs without a conviction or adjudication; except that upon motion at any time by either party, the court shall bring a filed case forward and proceed to a disposition of the pending complaint.

This section may not be interpreted to deprive a law enforcement officer of compensation for that officer's services and expenses, but this section may shift the responsibility for providing such compensation.

The term "law enforcement officer" means any person who by virtue of that person's public employment is vested by law with a duty to enforce any criminal law of this State by making arrests, whether that duty extends to all crimes or is limited to specific crimes, or with a duty to enforce any law of this State establishing a civil violation.
[RR 2021, c. 1, Pt. B, §6 (COR).]

2. Defendant not to be sentenced to pay costs of court as such. The District Court may not, in any criminal proceeding, sentence any defendant to pay costs of court as such, but may take the costs into consideration and include in any fine imposed a sum adequate to cover all or any part of them without reference to such costs and without taxing them, provided the maximum fine for the particular offense is not exceeded.
[PL 1975, c. 731, §8 (AMD).]

2-A. Costs in traffic infraction or civil violation cases. The Chief Judge shall establish costs to be paid by a defendant to reopen a traffic infraction or civil violation case after the case has been disposed of by default resulting from the defendant's failure to file a timely answer or the defendant's failure to appear in court.

In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for the defendant's failure to answer or the defendant's failure to appear in court.
[PL 1991, c. 733, §2 (AMD).]

3. Reports and records of costs and fees.
[PL 1979, c. 127, §15 (RP).]

4. Distribution of fees and fines.
[PL 1997, c. 750, Pt. A, §1 (RP).]

4-A. Law enforcement officer services, reimbursement and compensation. The court shall reimburse or compensate municipalities and counties for law enforcement officer services as follows.

A. The court shall reimburse the municipality or county that employs the law enforcement officer a flat fee of $50 for each day or part of a day that a law enforcement officer is physically present for a scheduled trial in District Court, whether or not the officer is called upon to give testimony. [PL 1999, c. 731, Pt. CCCC, §1 (AMD).]

B. The court shall pay a municipality or county a flat fee of $50 for each day or part of a day that a municipal or county law enforcement officer, designated by the municipality or county as its court officer, is physically present in a District Court in order to adequately handle that municipality's or county's case load.

The court officer required to be present at an arraignment may be an officer other than the arresting officer if the municipality or county has designated the officer to handle the arraignment case load of that municipality or county. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments. [PL 1999, c. 731, Pt. CCCC, §1 (AMD).]

C. The sheriffs of the several counties shall designate and furnish deputy sheriffs to serve as bailiffs in each division of the District Court within their counties if requested by the Chief Judge. A deputy sheriff designated as bailiff must be approved by the Chief Judge and may not serve as a court

officer for any law enforcement agency. Compensation for reasonable and necessary expenses, as agreed to by the parties, must be paid by the District Court.

In a municipality where a police officer has been furnished to serve as a bailiff, the Chief Judge may continue to authorize the use of a police officer as a bailiff and the District Court shall compensate the municipality. A person appointed to serve as bailiff may not serve as court officer for a municipal police department as provided in this subsection. [PL 1997, c. 750, Pt. A, §2 (NEW).]

[PL 1999, c. 731, Pt. CCCC, §1 (AMD).]

4-B. Law Enforcement Agency Reimbursement Fund. The Law Enforcement Agency Reimbursement Fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts.

A. The Administrative Office of the Courts shall use the fund to reimburse municipalities and counties pursuant to subsection 4-A. [PL 1997, c. 750, Pt. A, §2 (NEW).]

B. Six percent of fines and forfeitures collected for traffic infractions must be deposited in the fund as provided in Title 29-A, section 2602, subsection 4, paragraphs A and B. [PL 1997, c. 750, Pt. A, §2 (NEW).]

C. The balance remaining in the fund at the end of the fiscal year must be transferred to the General Fund. [PL 1997, c. 750, Pt. A, §2 (NEW).]

D. If there is a deficit in the fund at the end of the fiscal year, the Treasurer of State shall transfer a sufficient amount from the General Fund to balance the fund. [PL 1997, c. 750, Pt. A, §2 (NEW).]

[PL 1997, c. 750, Pt. A, §2 (NEW).]

5. Disbursement to appointed counsel. In any proceeding where the court has appointed counsel, that appointed counsel shall be reimbursed by the court for reasonable disbursements made in behalf of the client, including but not limited to witness fees, sheriff's fees and travel, upon approval of these disbursements by the court.

[PL 1977, c. 114, §9 (RPR).]

SECTION HISTORY

PL 1965, c. 356, §5 (AMD). PL 1967, c. 244 (AMD). PL 1967, c. 397 (AMD). PL 1967, c. 408, §1 (AMD). PL 1967, c. 449, §4 (AMD). PL 1967, c. 521, §§1,2 (AMD). PL 1967, c. 544, §4 (AMD). PL 1971, c. 97, §2 (AMD). PL 1971, c. 252, §§1,2 (AMD). PL 1971, c. 261, §1 (AMD). PL 1971, c. 593, §22 (AMD). PL 1971, c. 618, §12 (AMD). PL 1971, c. 622, §5 (AMD). PL 1975, c. 95 (AMD). PL 1975, c. 292 (AMD). PL 1975, c. 341 (AMD). PL 1975, c. 369, §§1,2 (AMD). PL 1975, c. 430, §§8-15 (AMD). PL 1975, c. 623, §§3-E (AMD). PL 1975, c. 731, §§5-12 (AMD). PL 1975, c. 777, §2 (AMD). PL 1977, c. 114, §§3-9 (AMD). PL 1979, c. 127, §§15,16 (AMD). PL 1983, c. 742 (AMD). PL 1989, c. 89 (AMD). PL 1989, c. 722, §3 (AMD). PL 1991, c. 549, §5 (AMD). PL 1991, c. 549, §17 (AFF). PL 1991, c. 733, §2 (AMD). PL 1991, c. 780, §X2 (AMD). PL 1993, c. 675, §B9 (AMD). PL 1997, c. 750, §§A1,2 (AMD). PL 1999, c. 731, §CCCC1 (AMD). RR 2021, c. 1, Pt. B, §6 (COR).

§173-A. Costs taxable for the State in civil violation or traffic infraction proceedings

Costs in the amount of $25 shall be automatically taxable for the State in civil violation and traffic infraction proceedings for failure to pay a fine imposed for the commission of a civil violation or traffic infraction within 30 days of entry of judgment or within 30 days of the date fixed for a final installment payment if the fine is to be paid under a plan approved under Title 14, section 3141, subsection 4. [PL 1987, c. 708, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 731, §§12-A (NEW). PL 1985, c. 481, §A5 (AMD). PL 1987, c. 414, §1 (RPR). PL 1987, c. 708, §1 (AMD).

§174. Civil and criminal; overcharging costs

(REPEALED)

SECTION HISTORY

PL 1965, c. 19, §2 (AMD). PL 1975, c. 346, §§1-3 (AMD). PL 1975, c. 430, §§16,17 (AMD). PL 1975, c. 731, §13 (AMD). PL 1975, c. 770, §13 (AMD). PL 1985, c. 384, §1 (RP).

§175. Fees of District Courts

The Supreme Judicial Court shall have the authority to prescribe rules establishing the fees of the District Courts. [PL 1979, c. 425, §1 (RPR).]

SECTION HISTORY

PL 1975, c. 346, §4 (AMD). PL 1979, c. 425, §1 (RPR).

§176. Fees for entering an appeal

No Judge of a District Court division shall demand or receive any fees for entering an appeal or admitting to bail to prosecute it, in a criminal or traffic infraction case. The legal fees therefor may be taxed in the bill of costs, and certified and paid like other fees. [PL 1975, c. 430, §18 (AMD).]

SECTION HISTORY

PL 1965, c. 356, §6 (AMD). PL 1975, c. 430, §18 (AMD).

§177. Service of process statewide

All process of the District Court shall run throughout the State, and may be served outside of the division from which issued with the same effect as if served within such division.

§178. Abstract of record of divorce to be filed with Superior Court

(REPEALED)

SECTION HISTORY

PL 1967, c. 129 (NEW). PL 1973, c. 625, §10 (AMD). PL 1979, c. 13, §4 (RP).

§179. Administrative search warrants

A District Court Judge may issue warrants to conduct administrative searches in such manner, for such purposes and under such circumstances as the Supreme Judicial Court shall by rule provide. [PL 1973, c. 486 (NEW).]

SECTION HISTORY

PL 1973, c. 486 (NEW).

§180. Site inspection warrants

A District Court Judge may issue warrants to conduct surveys and tests on land that is under consideration for purchase or taking through eminent domain by the State or any of its political subdivisions. The Supreme Judicial Court shall provide by rule the manner and circumstances for the issuance of such warrants subject to the following conditions: [PL 1975, c. 753 (NEW).]

1. Compelling need. There is a compelling need for the issuance of the warrant, such as required compliance with state statutes or regulations or protection of the public health, safety or welfare; [PL 1975, c. 753 (NEW).]

2. Notice to owner. The owner of the land shall be served notice at least 14 days prior to the day when any survey or test is initiated;
[PL 1975, c. 753 (NEW).]

3. Completion within 30 days. All tests and surveys shall be completed within 30 days of entry;
[PL 1975, c. 753 (NEW).]

4. Distance from occupied dwelling. No soils test may be conducted within 200 yards of an occupied dwelling;
[PL 1975, c. 753 (NEW).]

5. Site restoration. Upon completion of any soils test or analysis, all holes, pits or trenches created thereby shall be filled in and the site restored as best practicable to its original condition; and
[PL 1975, c. 753 (NEW).]

6. Compensation for damages. The owner of land subject to a survey or test has the right to be compensated for any actual damage caused as a result of the surveys and tests. Upon request of the landowner within 30 days after entry on the landowner's premises, the governmental unit shall hold a public hearing to determine whether the landowner is entitled to compensation for actual damages caused by the testing. The governmental unit shall publish a notice of the time and place of hearing in a newspaper having general circulation in its area at least 7 days before the hearing. The governmental unit shall pay the landowner forthwith the amount of compensation to which it determines the landowner is entitled. If the landowner is aggrieved by the decision of the governmental unit, the landowner may appeal to the Superior Court as provided in Rule 80B of the Maine Rules of Civil Procedure.
[RR 2021, c. 1, Pt. B, §7 (COR).]

SECTION HISTORY

PL 1975, c. 753 (NEW). RR 2021, c. 1, Pt. B, §7 (COR).

§181. Hours for small claims

(REPEALED)

SECTION HISTORY

PL 1983, c. 548, §3 (NEW). PL 1985, c. 368, §2 (REEN).

§182. Media coverage of judicial proceedings

(REPEALED)

SECTION HISTORY

PL 1985, c. 515, §2 (NEW). MRSA T. 4 §182 (RP).

§183. Family Division of District Court

There is established within the District Court a Family Division that has jurisdiction over family matters filed in District Court. The Family Division shall provide a system of justice that is responsive to the needs of families and the support of their children. The Supreme Judicial Court may adopt administrative orders and court rules governing the practice, procedure and administration of the Family Division. These practices and procedures must include, but are not limited to, education for the parties, case management and referral services to mediation and other alternate dispute resolution techniques.
[PL 1997, c. 269, §1 (NEW); PL 1997, c. 269, §2 (AFF).]

1. Family law magistrates. The Chief Judge of the District Court, with the approval of the Chief Justice of the Supreme Judicial Court, shall employ family law magistrates. In selecting family law magistrates, the Chief Judge shall give proper consideration to achieving statewide geographical representation in the Family Division.

A. Family law magistrates must be members of the Bar of this State and must have experience in the area of family law. Other qualifications may include interest, training or experience in mediation and other alternate dispute resolution techniques, domestic violence, child development, family dynamics and case management. [PL 2005, c. 384, §1 (AMD).]

B. Family law magistrates shall devote themselves solely to the official duties of the position. Family law magistrates may not engage in the private practice of law or in any employment, occupation or business interfering with or inconsistent with the discharge of their duties. The Chief Judge of the District Court shall determine the salaries of the family law magistrates. [PL 2005, c. 384, §1 (AMD).]

C. Family law magistrates are governed by the Maine Code of Judicial Conduct. Family law magistrates serve at the pleasure of the Chief Judge of the District Court. [PL 2005, c. 384, §1 (AMD).]

D. Family law magistrates shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters:

(1) Interim orders in actions involving the establishment, modification or enforcement of child support;

(2) Interim orders in actions involving divorce, legal separation, parentage or parental rights, including interim orders in postjudgment proceedings arising out of these actions;

(2-A) Parental rights and responsibilities and parent-child contact orders entered pursuant to Title 19-A, former section 4006, subsection 5, former section 4007, subsection 1, paragraph G and Title 19-A, section 4108, subsection 2 and section 4110, subsection 3, paragraph I to make such orders consistent with subsequently entered orders in matters included in subparagraphs (1), (2) and (3);

(3) Final orders in any of the matters included in subparagraphs (1) and (2) when the proceeding is uncontested;

(4) Final orders in a contested proceeding when child support is the only contested issue;

(4-A) Applications for writs of habeas corpus to facilitate the attendance of proceedings by and return of a party who is incarcerated;

(4-B) Requests for access to confidential Department of Health and Human Services child protective records in accordance with Title 22, section 4008. The family law magistrate may review records in camera to determine whether to grant access; and

(5) Other actions assigned by the Chief Judge of the District Court. [PL 2021, c. 647, Pt. B, §1 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF); PL 2021, c. 723, §6 (AMD).]

E. Interim orders in any of the matters included in paragraph D, subparagraphs (1), (2) and (2-A) are effective immediately and are subject to de novo review by a judge at the final hearing. Final orders in any of the matters included in paragraph D, subparagraphs (3) and (4) are subject to appellate review in the same manner as any final order of the District Court. The family law magistrate shall inform the parties of the rights of review established in this paragraph. [PL 2005, c. 384, §1 (AMD).]

F. A family law magistrate has the power to impose punitive and remedial sanctions in a summary proceeding for contempt occurring in the actual presence of the family law magistrate and seen or heard by the family law magistrate. The Maine Rules of Civil Procedure relating to summary contempt proceedings apply to a family law magistrate exercising the contempt power under this paragraph. [PL 2005, c. 384, §1 (AMD).]

G. The Chief Judge of the District Court may allow family law magistrates to wear robes when presiding over any proceeding. [PL 2011, c. 3, §1 (AMD).]

H. The Chief Judge of the District Court may employ a retired family law magistrate to serve on a per diem basis as an active retired family law magistrate. An active retired family law magistrate employed pursuant to this paragraph has the same jurisdiction and is subject to the same restrictions as before retirement. An active retired family law magistrate serves at the direction of the Chief Judge of the District Court and is compensated at the per diem rate of $250 per day or $150 per half-day, as long as the total of the per diem compensation and the active retired family law magistrate's state retirement pension received in any calendar year does not exceed the annual salary of a family law magistrate. Active retired family law magistrates are entitled to receive reimbursement for any expenses actually and reasonably incurred in the performance of their duties. [PL 2013, c. 159, §6 (NEW).]

[PL 2021, c. 647, Pt. B, §1 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF); PL 2021, c. 723, §6 (AMD).]

2. Additional staff. The State Court Administrator shall provide other necessary staff to the Family Division, within the limits of funds available, and shall seek to take full advantage of federal funding, including reimbursements.

[PL 1997, c. 269, §1 (NEW); PL 1997, c. 269, §2 (AFF).]

3. Reports. The State Court Administrator shall keep statistical records relating to the cases handled by the Family Division and report this information to the Supreme Judicial Court annually and to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 15th of each odd-numbered calendar year.

A. The State Court Administrator shall evaluate the functioning of the family law magistrates in providing a system of justice that is responsive to the needs of families and the support of their children in light of the jurisdiction given to the family law magistrates under this section. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1999 with recommendations, if any, for changing the duties provided in subsection 1, paragraph D. [PL 2005, c. 384, §1 (AMD).]

B. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 1999 explaining the justification for the particular geographic assignments of the family law magistrates. [PL 2005, c. 384, §1 (AMD).]

[PL 2013, c. 159, §7 (AMD).]

4. Pilot project. Notwithstanding the jurisdictional limitations of subsection 1, the Chief Justice of the Supreme Judicial Court may establish a pilot project in which one or more family law magistrates have jurisdiction to hear and dispose of all elements of a divorce action when both parties consent. Orders of the family law magistrate are subject to appellate review in the same manner as any final order of the District Court.

[PL 2007, c. 466, Pt. A, §2 (AMD).]

5. Annual training; domestic violence and child abuse issues. The Chief Judge of the District Court shall establish annual training and education designed to inform family law magistrates on domestic violence and child abuse, neglect and maltreatment issues.

[PL 2021, c. 723, §7 (NEW).]

SECTION HISTORY

PL 1997, c. 269, §1 (NEW). PL 1997, c. 269, §2 (AFF). PL 2003, c. 39, §1 (AMD). PL 2003, c. 84, §§1,2 (AMD). PL 2003, c. 688, §C1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 384, §1 (AMD). PL 2005, c. 385, §1 (AMD). PL 2007, c. 466, Pt. A, §2 (AMD). PL 2011, c. 3, §1 (AMD). PL 2013, c. 159, §§6, 7 (AMD). PL 2015, c. 296, Pt. C, §1 (AMD). PL 2015, c. 296,

Pt. D, §1 (AFF). PL 2021, c. 647, Pt. B, §1 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2021, c. 723, §§6, 7 (AMD).

§184. Licensing and appellate actions

1. Notice and hearing. In any action within the District Court's jurisdiction under section 152, subsection 9, all parties must be afforded an opportunity for hearing after reasonable notice.
[PL 2001, c. 471, Pt. D, §6 (AMD).]

2. Complaint filed. On commencement of any case, a written complaint must be filed with the District Court. Except as provided in Title 22, section 1558, and Title 28-A, section 803, a copy of the complaint and summons must be served on the defendant either by personal delivery in hand, by leaving it with a person of suitable age or discretion at the defendant's dwelling place or usual place of abode or by sending it by certified mail to the defendant's last known address. If a summons is required, it must inform the defendant of the time limit for filing an answer to the complaint and the consequences of failing to do so. The complaint must contain a conclusion indicating the violation of a statute or rule, citing the statute or rule violated and stating the relief requested.
[PL 2001, c. 471, Pt. D, §6 (AMD).]

3. Witness sworn. At the hearing, before any testimony is received, the presiding judge shall swear in the witness.
[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

4. Official record. The presiding judge shall prepare an official record, including testimony and exhibits, in each case but need not have a transcript of the testimony prepared unless required for rehearing or appeal. The record of the hearing may be taken by stenographic notes or by mechanical or electronic recording.
[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

5. Disposition by agreement. On approval of the presiding judge, disposition of any case may be made by agreement or consent decree.
[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

6. Emergency proceedings. The District Court has jurisdiction to revoke temporarily or suspend a license without notice or hearing upon the verified complaint or complaint accompanied by affidavits of a licensing agency or the Attorney General. The verified complaint or complaint accompanied by affidavits must demonstrate that summary action is necessary to prevent an immediate threat to the public health, safety or welfare. Upon issuance of an order revoking or suspending a license under this section, the District Court shall schedule a hearing on the agency's complaint. The hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. Any order temporarily suspending or revoking a license expires within 30 days of issuance unless renewed by the court after such hearing as it may determine necessary.

This subsection may not be considered to abridge or affect the jurisdiction of the Superior Court or District Court to issue injunctive relief or to exercise such other powers as may be authorized by law or rule of the court.
[PL 2011, c. 559, Pt. A, §3 (AMD).]

7. Decisions. After hearing, on default or by agreement of the parties, the District Court may suspend, revoke or modify the license of any party properly served with process or, if the applicable law so provides, the court may order issuance of a license to an applicant according to the terms of the applicable law. The District Court may take any other action with relation to the party that could have been taken before the enactment of former section 1155 by the agency involved in the hearing.

Every final decision of the District Court must be in writing or stated in the record and must include findings of fact and conclusions of law sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision must be delivered or promptly mailed

to each party to the proceeding or their representatives of record. Written notice of the party's rights to review of the decision and of the action required and the time within which that action must be taken in order to exercise the right of review must be given to each party together with the decision.
[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

8. Fines. Notwithstanding any other provisions of this chapter, the District Court may impose a fine of a specific sum, which may not be less than $50 nor more than $1,500 for any one offense or as may be provided by the statutes relating to the licensing question. Such a fine may be imposed instead of or in addition to any suspension, revocation or modification of a license by the court. Section 1057 applies to any fine imposed by this subsection.
[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

9. Rules of procedure. The Supreme Judicial Court may adopt, amend, repeal or modify rules governing the forms of complaints, pleadings and motions and the practice, procedure and evidence in and appeals from the District Court. The rules may not abridge or enlarge the substantive rights of any litigant. The rules must be filed with the Secretary of State in the manner required by Title 5, section 8056, subsection 1, paragraph B.
[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1999, c. 547, §B10 (NEW). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 471, §D6 (AMD). PL 2011, c. 559, Pt. A, §3 (AMD).

CHAPTER 6

LAW LIBRARIES

§191. State Court Library Committee

(REPEALED)

SECTION HISTORY

PL 1981, c. 510, §1 (NEW). PL 1983, c. 812, §9 (AMD). PL 1989, c. 503, Pt. B, §7 (AMD). PL 1993, c. 375, §1 (AMD). PL 2001, c. 250, §1 (AMD). PL 2011, c. 204, §1 (AMD). PL 2013, c. 533, §1 (RP).

§192. Personnel

The State Court Administrator shall employ and shall supervise a professionally trained person, who is designated the State Court Library Supervisor. The supervisor has general supervision of the professional functions of all county law libraries and shall visit all libraries whenever necessary, meet with county law library committees, coordinate activities with the court administrator's offices, advise staff members of the clerks of courts and carry out any additional duties assigned by the State Court Administrator. [PL 2013, c. 533, §2 (AMD).]

The law libraries in locations without employees are maintained by the offices of the clerks of courts and the duties of each clerk's office are specified by the State Court Administrator. [PL 2013, c. 533, §2 (AMD).]

SECTION HISTORY

PL 1981, c. 510, §1 (NEW). PL 2013, c. 533, §2 (AMD).

§193. System of law libraries

There must be a system of law libraries accessible to all citizens within the State. [PL 2013, c. 533, §3 (AMD).]

These libraries must be located in:

Androscoggin County, Auburn;

Aroostook County, Caribou;

Aroostook County, Houlton;

Cumberland County, Portland;

Franklin County, Farmington;

Hancock County, Ellsworth;

Kennebec County, Augusta;

Knox County, Rockland;

Lincoln County, Wiscasset;

Oxford County, South Paris;

Penobscot County, Bangor;

Piscataquis County, Dover-Foxcroft;

Sagadahoc County, Bath;

Somerset County, Skowhegan;

Waldo County, Belfast;

Washington County, Machias; and

York County, Alfred. [PL 2001, c. 250, §2 (RPR).]

All funds appropriated by the Legislature for the use and benefit of the law libraries must be paid to the Administrative Office of the Courts and must be disbursed by that office. [PL 2013, c. 533, §3 (AMD).]

The libraries located at Bangor and Portland are to serve as regional court law library centers. The State Court Administrator or the State Court Administrator's designee shall allocate specific funds, in addition to the resources received by the other law libraries, to the regional court law library centers in Bangor and Portland to purchase legal resources, library equipment and supplies and necessary personnel. Both regional court libraries must receive the same funds. [PL 2013, c. 533, §3 (AMD).]

All other law libraries must have access to the regional court law library centers for the resources not available locally. [PL 2011, c. 204, §2 (AMD).]

SECTION HISTORY

PL 1981, c. 510, §1 (NEW). PL 1991, c. 622, §N1 (AMD). PL 1991, c. 671, §M1 (AMD). PL 1993, c. 375, §§2,3 (AMD). PL 1993, c. 375, §5 (AFF). PL 1995, c. 55, §1 (AMD). PL 1995, c. 55, §2 (AFF). PL 2001, c. 250, §2 (RPR). PL 2011, c. 204, §2 (AMD). PL 2013, c. 533, §3 (AMD).

§194. Duties of State Court Library Committee

(REPEALED)

SECTION HISTORY

PL 1981, c. 510, §1 (NEW). PL 2013, c. 533, §4 (RP).

§195. County law libraries

There must be a County Law Library Committee in each county in which a county law library is located. The members of the committee must be appointed or elected by the county bar association, or

other governing body, as its bylaws may provide. Membership on the committee need not be restricted to attorneys. The County Law Library Committee shall appoint a chair, a treasurer and a clerk. [PL 2001, c. 250, §3 (AMD).]

SECTION HISTORY

PL 1981, c. 510, §1 (NEW). PL 2001, c. 250, §3 (AMD).

§196. Duties, county committee

The County Law Library Committee shall establish local operating policies, such as, but not limited to, hours, circulation policies and photocopy privileges. Each county committee shall exercise supervision over the expenditures of private and nonstate funds, including endowments, and may use those funds to upgrade its county law library. Each county committee shall determine space requirements. [PL 2013, c. 533, §5 (AMD).]

SECTION HISTORY

PL 1981, c. 510, §1 (NEW). PL 2001, c. 250, §4 (AMD). PL 2013, c. 533, §5 (AMD).

§197. Duties of treasurer and clerk

The treasurer of each County Law Library Committee, under the direction of the County Law Library Committee, shall apply all private and nonstate moneys received, and all bequests and gifts, to form and operate a law library. The clerk shall keep an exact record of all the proceedings of the committee. [PL 1981, c. 501, §1 (NEW).]

The treasurer shall, annually, before the last Wednesday in July, deposit in the office of the State Court Administrator a statement of the funds received and expended by the treasurer during the preceding fiscal year. [PL 2013, c. 533, §6 (AMD).]

SECTION HISTORY

PL 1981, c. 510, §1 (NEW). PL 1981, c. 698, §4 (AMD). PL 2013, c. 533, §6 (AMD).

§198. Rules

The Supreme Judicial Court may promulgate rules to implement the purposes of this chapter. [PL 1981, c. 501, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 510, §1 (NEW).

CHAPTER 7

PROBATE COURT

SUBCHAPTER 1

GENERAL PROVISIONS

§201. Courts of record; seal; punishment for contempt

Courts of probate are courts of record. Each shall have an official seal, of which the register shall have the custody. They may issue any process necessary for the discharge of their official duties and punish for contempt of their authority.

§202. Oaths and acknowledgments

All oaths required to be taken by personal representatives, trustees, guardians, conservators, or of any other persons in relation to any proceeding in the probate court, or to perpetuate the evidence of the publication of any order of notice, may be administered by the judge or register of probate or any notary public. A certificate thereof, when taken out of court, must be returned into the registry of probate and there filed. When any person of whom such oath is required, excluding any parent executing a surrender and release or a consent under Title 18-C, section 9-202, resides temporarily or permanently outside the State, the oath or acknowledgment may be taken before and be certified by a notary public outside the State, a commissioner for the State of Maine or a United States Consul. [PL 2025, c. 168, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 540, §6 (AMD). PL 1981, c. 456, §A5 (AMD). PL 2025, c. 168, §1 (AMD).

§203. Rights of claimants under heir

Any person claiming under an heir at law has the same rights as the heir in all proceedings in probate courts, including rights of appeal.

SUBCHAPTER 2

JURISDICTION

§251. General jurisdiction

Each judge may take the probate of wills and grant letters testamentary or of administration on the estates of all deceased persons who, at the time of their death, were inhabitants or residents of the judge's county or who, not being residents of the State, died leaving estate to be administered in the judge's county, or whose estate is afterwards found therein; and has jurisdiction of all matters relating to the settlement of such estates. A judge may grant leave to adopt children, change the names of persons, appoint guardians for minors and others according to law and has jurisdiction as to persons under guardianship, and as to whatever else is conferred by law, except in cases in which the District Court has jurisdiction over a child pursuant to section 152, subsection 5-A. [RR 2015, c. 2, §1 (COR).]

SECTION HISTORY

RR 2015, c. 2, §1 (COR). PL 2015, c. 460, §3 (AMD).

§251-A. Other proceedings involving parental rights; transfer to District Court

1. Disclosure of orders and proceedings. The judge of probate presiding over any matter involving guardianship, adoption or change of name or another matter involving custody or other parental rights with respect to a minor child shall require all parties to disclose whether they have knowledge of:

A. Any interim or final order then in effect concerning custody or other parental rights with respect to the minor child, including any order of the District Court terminating parental rights; appointing a guardian, including a permanency, emergency or interim guardian; awarding parental rights to a 3rd party; or granting an adoption; [PL 2023, c. 63, §2 (AMD).]

B. Any proceeding under the Maine Juvenile Code brought against the minor child pending in District Court or any proceeding involving custody or other parental rights with respect to the minor child pending before any court of this State or another state, including the District Court; or [PL 2023, c. 63, §2 (AMD).]

C. Any other related action pending before any court of this State or another state, including the District Court. [PL 2023, c. 63, §2 (AMD).]

[PL 2023, c. 63, §2 (AMD).]

2. Transfer to District Court. Except as provided in subsection 3, if in a matter before the Probate Court concerning a minor child a judge of probate becomes aware that a proceeding under the Maine Juvenile Code brought against the minor child or a proceeding involving custody or other parental rights with respect to the minor child is pending in the District Court or that the minor child is or was the subject of a District Court order terminating parental rights, appointing a guardian, including a permanency, emergency or interim guardian, awarding parental rights to a 3rd party or granting an adoption, the judge shall notify the District Court and take appropriate action to facilitate a transfer of the matter to the District Court. If a matter is transferred to the District Court under this subsection, the District Court has continuing, exclusive jurisdiction over the matter and over any future proceedings for guardianship, adoption or change of name or other matter involving custody or other parental rights with respect to the minor child brought under Title 18-C, except to the extent that the District Court's jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act.

[PL 2023, c. 63, §2 (AMD).]

3. Exception to transfer. Notwithstanding any provision of law to the contrary, a probate court shall retain jurisdiction over an action for guardianship, adoption, change of name or other matter involving custody or other parental rights with respect to a minor child brought under Title 18-C that would otherwise be within the exclusive, continuing jurisdiction of the District Court under section 152, subsection 5-A and may not transfer that matter to the District Court under subsection 2 if:

A. At the time the proceeding under the Maine Juvenile Code or the proceeding involving custody or other parental rights with respect to the minor child that would otherwise trigger the District Court's continuing, exclusive jurisdiction is initiated, the testimonial hearing on the Title 18-C matter has concluded and the Probate Court has that matter under advisement; and [PL 2023, c. 63, §2 (NEW).]

B. The Probate Court has not determined that the District Court is the more appropriate forum for the Title 18-C proceeding. [PL 2023, c. 63, §2 (NEW).]

[PL 2023, c. 63, §2 (NEW).]

For purposes of this section, a proceeding is pending if a complaint, petition or post-judgment motion has been filed and the final judgment or final order on that complaint, petition or post-judgment motion has not yet been issued. [PL 2023, c. 63, §2 (NEW).]

SECTION HISTORY

PL 2015, c. 460, §4 (NEW). PL 2023, c. 63, §2 (AMD).

§252. Equity jurisdiction

The courts of probate shall have jurisdiction in equity, concurrent with the Superior Court, of all cases and matters relating to the administration of the estates of deceased persons, to wills and to trusts which are created by will or other written instrument. Such jurisdiction may be exercised upon complaint according to the usual course of proceedings in civil actions in which equitable relief is sought.

§253. Jurisdiction in court where proceedings originate

Subject to Title 18-C, sections 1-303 and 3-201, and except as otherwise provided in Title 18-C, section 5-105, when a case is originally within the jurisdiction of the probate court in 2 or more counties, the one that first commences proceedings therein retains the same exclusively throughout. The jurisdiction assumed in any case, except in cases of fraud, so far as it depends on the residence of any person or the locality or amount of property, may not be contested in any proceeding whatever, except

on an appeal or removal from the probate court in the original case or when the want of jurisdiction appears on the same record. [PL 2017, c. 402, Pt. C, §4 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1979, c. 540, §7 (AMD). PL 2017, c. 402, Pt. C, §4 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

SUBCHAPTER 3

JUDGES

§301. Terms; vacancies; salary

Judges of probate are elected or appointed as provided in the Constitution of Maine. Only attorneys at law admitted to the general practice of law in this State and resident in this State may be elected or appointed as judges of probate. Their election is effected and determined as is provided respecting county commissioners; and they enter upon the discharge of their duties on the first day of January following their election; but, when appointed to fill vacancies, their terms commence on their appointment. Vacancies caused by death, resignation, removal from the county, permanent incapacity as defined in Title 30-A, section 1, subsection 2-A or any other reason must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a judge of probate who was nominated by primary election before the general election, the judge of probate appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the judge of probate whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made. [PL 1995, c. 683, §1 (AMD).]

Judges of probate in the several counties are entitled to receive annual salaries as set forth in Title 30-A, section 2. [PL 1995, c. 245, §1 (AMD).]

The fees to which judges of probate are entitled by law must be taxed and collected and paid over by the registers of probate to the county treasurers by the 15th day of every month following the month in which they were collected for the use of their counties with the exception of the fees provided in section 304, which must be retained by the judge who collects those fees in addition to the judge's salary. [PL 1995, c. 245, §1 (AMD).]

SECTION HISTORY

PL 1981, c. 40, §1 (AMD). PL 1987, c. 737, §§C3,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1995, c. 245, §1 (AMD). PL 1995, c. 683, §1 (AMD).

§302. Officers execute processes and attend courts

Sheriffs, their deputies and constables shall execute all legal processes directed to them by any such judge of probate, who may, when necessary, require such officer, when not in attendance upon any other court, to attend during the sitting of the probate court, for which that officer must be paid as in other courts for similar services. [RR 2021, c. 1, Pt. B, §8 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §8 (COR).

§303. Continuous session; return day for matters requiring public notice

Probate court shall always be open in each county for all matters over which it has jurisdiction, except upon days on which by law no court is held, but it shall have certain fixed days and places to be made known by public notification thereof in their respective counties to which all matters requiring public notice shall be made returnable, except as otherwise ordered by the judge. In case of the absence of the judge or vacancy in the office at the time of holding any court, the register or acting register may adjourn the same until the judge can attend or some other probate judge can be notified and attend. [PL 1965, c. 238 (AMD).]

SECTION HISTORY

PL 1965, c. 238 (AMD).

§304. Equity and contested cases; time and place of hearing

Judges of probate may hold hearings for matters in equity and contested cases at such time and place in the county as the judge of probate may appoint and make all necessary orders and decrees relating thereto, and when hearings are held at other places than those fixed for holding the regular terms of court, the judge is allowed, in addition to that judge's regular salary, $5 per day and actual expenses, which must be paid by the State unless otherwise provided by law. [RR 2021, c. 1, Pt. B, §9 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §9 (COR).

§305. Term of Fort Kent and Caribou probate court

The judge of probate in and for the County of Aroostook shall hold a court of probate at least twice in each year at Fort Kent and at least 4 times each year at Caribou in the county. The time for holding the court shall be appointed by the judge and made known by public notification as provided in section 303. [PL 1979, c. 41 (RPR).]

SECTION HISTORY

PL 1979, c. 41 (RPR).

§306. Interchange of judicial duties; expenses

During the sickness, absence from the State or inability of any judge of probate to hold the regular terms of that judge's court, such terms, at the judge's request or that of the register of the county, may be held by the judge of any other county. The judges may interchange service or perform each others' duties when they find it necessary or convenient, and in case of a vacancy in the office of a judge, all necessary terms of the probate court for the county may, at the request of the register, be held by the judge of another county until the vacancy is filled. The orders, decrees and decisions of the judge holding such terms have the same force and validity as if made by the judge of the county in which such terms are held. [RR 2021, c. 1, Pt. B, §10 (COR).]

When any judge of probate holds court or a hearing in any probate matter, or in equity, in any county other than the one in which that judge resides, that judge must be reimbursed by the county in which such court or hearing is held for that judge's expenses actually and reasonably incurred, upon presentation to the county commissioners of that county of a detailed statement of such expenses. [RR 2021, c. 1, Pt. B, §10 (COR).]

SECTION HISTORY

PL 1965, c. 513, §5-A (AMD). RR 2021, c. 1, Pt. B, §10 (COR).

§307. Conflict of interest; transfer of case

When a judge or register of probate is interested in that judge's or register of probate's own right, trust, or in any other manner, or is within the degree of kindred, by which in law that judge or register

of probate may, by possibility, be heir to any part of the estate of the person deceased, or is named as executor, trustee or guardian of minor children in the will of any deceased resident of the county, such estate must be settled in the probate court of any adjoining county, which has as full jurisdiction thereof as if the deceased had died in that adjoining county. If the judge's or register of probate's interest arises after jurisdiction of such estate has been regularly assumed or existed at the time of the judge's or register of probate's appointment to office, and in all cases where an executor, administrator, guardian or trustee, whose trust is not fully executed, becomes judge or register of probate for the county in which that judge's or register of probate's letters were granted, further proceedings in that county must be transferred to the probate court in any adjoining county and there remain until completed, as if such court had had original jurisdiction thereof, unless said disability is removed before that time. Whenever in any case under this section the disability of the judge or register is removed before the proceedings have been fully completed, the proceedings must then be transferred to the probate court in the county of original jurisdiction or to the probate court that otherwise would have had jurisdiction. In all such cases the register in such adjoining county shall transmit copies of all records relating to such estate to the probate office of the county where such estate belongs, to be there recorded. If there are fewer than 4 counties adjoining the county of a probate court that is required to transfer proceedings to an adjoining county under this section, the proceedings must be transferred to a probate court in one of the 4 counties nearest to the transferring probate court, as measured by the shortest distance along paved roads between the building in which the registry of probate is located in the transferring county and the building in which the registry of probate is located in the other county. [PL 2023, c. 4, §1 (AMD).]

This section may not be construed to require removal to another county by reason of the judge or register of probate having been named as executor, trustee or guardian of minor children in a will, as long as the judge or register of probate does not receive a benefit from the will and the record of the court discloses the filing of the judge's or register of probate's declination to act as such executor, trustee or guardian, if no objection is raised by any interested party at the hearing on the petition for probate of the will. [RR 2021, c. 1, Pt. B, §11 (COR).]

A judge is considered to be interested in an estate or other probate proceeding, including adoptions, if the judge or a person with whom the judge practices law represents a party in the proceeding. When such representation begins, the judge shall transfer the matter as provided in this section, after which transfer the judge or the person with whom the judge practices law may continue such representation, except that, after a formal probate proceeding has been initiated before a judge, that judge is forever barred from assuming representation of a party in that same proceeding without regard to whether or not the proceeding has been transferred. A petition requesting a transfer and the petition related to the matter being transferred filed simultaneously are not considered formal probate proceedings for the purposes of this paragraph. [PL 1991, c. 697, §1 (NEW).]

SECTION HISTORY

PL 1991, c. 697, §1 (AMD). RR 2021, c. 1, Pt. B, §11 (COR). PL 2023, c. 4, §1 (AMD).

§308. Certification of unfinished acts of predecessor judge

Every judge, upon entering on the duties of that judge's office, shall examine the records, decrees, certificates and all proceedings connected therewith that the judge's predecessor left unsigned or unauthenticated. If the judge finds them correct, the judge shall sign and authenticate them and they are then as valid to all intents and purposes as if such duty had been done by the judge's predecessor while in office. [RR 2021, c. 1, Pt. B, §12 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §12 (COR).

§309. Judge not to counsel or draft documents

A judge of probate may not have a voice in judging and determining or be attorney or counselor in or out of court in any civil action or matter that depends on or relates to any sentence or decree made by that judge of probate in that judge of probate's office, or in any civil action for or against any executor, administrator, guardian or trustee under any last will and testament, as such, within that judge of probate's county. Any process or proceeding commenced by a judge of probate in the probate court for that judge of probate's county in violation of this section is void, and that judge of probate is liable to the party injured in damages. A judge of probate may not draft or aid in drafting any document or paper that the judge of probate is by law required to pass upon. [RR 2021, c. 1, Pt. B, §13 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §13 (COR).

§310. Perpetual care of cemetery lots by order

Judges of probate, in any case in which an estate is under their jurisdiction for probate, shall have the power to order that an appropriate amount out of the estate be set aside for perpetual care and suitable memorials for the cemetery lot in which the deceased is buried, and to order special care of such lots when the conditions and size of the estate seem to warrant such order.

§311. Contracts for support

All contracts for support for life shall be approved by the Probate Court in the county in which the support for life is to be rendered. The Probate Court shall grant approval after such reasonable notice as the court shall determine to be appropriate, if the court shall find, after hearing, that the contract is just and equitable under all of the circumstances. [PL 1969, c. 434 (NEW).]

A contract or agreement for support for life without such Probate Court approval shall not be received in evidence unless the person offering the contract or agreement shall establish by a preponderance of the evidence that the contract or agreement is just and equitable under all of the circumstances. [PL 1969, c. 434 (NEW).]

This section shall not apply to such contracts or agreements between persons related within the 3rd degree. [PL 1969, c. 434 (NEW).]

SECTION HISTORY

PL 1969, c. 434 (NEW).

§312. Political activities of judges of probate

As a candidate for the elective office of judge of probate or as an elected judge, a person seeking or holding the office of judge of probate may engage in any political activity that would be lawful for a candidate for any other elected county office or for an incumbent elected county official. Any such judge may hold any other elected office or offices not made incompatible by the Constitution of Maine. [PL 1993, c. 695, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 695, §1 (NEW).

SUBCHAPTER 4

RULES OF PRACTICE

§351. Procedural rules; blanks; revision; approval

(REPEALED)

SECTION HISTORY

PL 1971, c. 94, §§1,2 (AMD). PL 1979, c. 540, §§7-A (RP).

§352. Blanks and records provided

Each county shall provide all necessary printed blanks and record books for its probate courts and courts of insolvency, and said record books may be printed to correspond with the printed blanks.

SUBCHAPTER 5

APPEALS

§401. Appellate jurisdiction; special guardians; appeal to law court

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §7-B (RP).

§402. Bond on appeal; service of reasons for appeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §7-B (RP).

§403. Allowance of appeal accidentally omitted

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §7-B (RP).

§404. Failure to prosecute appeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §7-B (RP).

§405. Stay of proceedings on appeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 540, §7-B (RP).

§406. Hearing on appeal

(REPEALED)

SECTION HISTORY

PL 1973, c. 625, §11 (AMD). PL 1979, c. 540, §7-B (RP).

CHAPTER 8

SUBSTANCE USE DISORDER TREATMENT PROGRAMS

§421. Establishment

1. Programs. The Judicial Department may establish substance use disorder treatment programs in the Superior Courts and District Courts and may adopt administrative orders and court rules to govern the practice, procedure and administration of these programs. Substance use disorder treatment programs must include local judges and must be community based and operated separately from juvenile drug courts.
[PL 2017, c. 407, Pt. A, §2 (AMD).]

2. Goals. The goals of the substance use disorder treatment programs authorized by this chapter include the following:

A. To reduce substance use and dependency among criminal offenders; [PL 2017, c. 407, Pt. A, §2 (AMD).]

B. To reduce criminal recidivism; [PL 1999, c. 780, §1 (NEW).]

C. To increase personal, familial and societal accountability of offenders; [PL 1999, c. 780, §1 (NEW).]

D. To promote healthy and safe family relationships; [PL 1999, c. 780, §1 (NEW).]

E. To promote effective interaction and use of resources among justice system personnel and community agencies; [PL 2023, c. 522, §1 (AMD).]

F. To reduce the overcrowding of prisons; and [PL 2023, c. 522, §2 (AMD).]

G. To ensure that substance use disorder treatment programs are available statewide and accessible to residents in rural areas of the State. [PL 2023, c. 522, §3 (NEW).]
[PL 2023, c. 522, §§1-3 (AMD).]

3. Collaboration. The following shall collaborate with and, to the extent possible, provide financial assistance to the Judicial Department in establishing and maintaining substance use disorder treatment programs:

A. District attorneys, the Department of the Attorney General and statewide organizations representing prosecutors; [PL 1999, c. 780, §1 (NEW).]

B. Defense attorneys, including statewide organizations representing defense attorneys; [PL 1999, c. 780, §1 (NEW).]

C. The Department of Corrections; [PL 1999, c. 780, §1 (NEW).]

D. The Department of Health and Human Services; [PL 1999, c. 780, §1 (NEW); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

E. The Department of Public Safety; [PL 1999, c. 780, §1 (NEW).]

F. The Department of Education; [PL 1999, c. 780, §1 (NEW).]

G. The business community; [PL 1999, c. 780, §1 (NEW).]

H. Local service agencies; and [PL 1999, c. 780, §1 (NEW).]

I. Statewide organizations representing drug court professionals. [PL 1999, c. 780, §1 (NEW).]
[PL 2017, c. 407, Pt. A, §2 (AMD).]

SECTION HISTORY

PL 1999, c. 780, §1 (NEW). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2017, c. 407, Pt. A, §2 (AMD). PL 2023, c. 522, §§1-3 (AMD).

§422. Programs

1. Coordinator of Diversion and Rehabilitation Programs. The judicial branch shall employ a Coordinator of Diversion and Rehabilitation Programs. The Coordinator of Diversion and

Rehabilitation Programs is responsible for helping the judicial branch establish, staff, coordinate, operate and evaluate diversion and rehabilitation programs in the courts.
[PL 2003, c. 711, Pt. A, §1 (RPR).]

2. Pass-through services. The Administrative Office of the Courts, with the assistance of the Coordinator of Diversion and Rehabilitation Programs, may enter into cooperative agreements or contracts with:

A. The Department of Health and Human Services or other federal-licensed treatment providers or state-licensed treatment providers to provide substance use disorder services for substance use disorder treatment program participants. To the extent possible, the substance use disorder treatment programs must access existing substance use disorder treatment resources for substance use disorder treatment program participants; [PL 2017, c. 407, Pt. A, §3 (AMD).]

B. The Department of Corrections, Division of Community Corrections or other appropriate organizations to provide for supervision of substance use disorder treatment program participants; [PL 2017, c. 407, Pt. A, §3 (AMD).]

C. The Department of Corrections or other appropriate organizations to provide for drug testing of substance use disorder treatment program participants; [PL 2017, c. 407, Pt. A, §3 (AMD).]

D. Appropriate organizations to provide for a drug court manager at each substance use disorder treatment program location; [PL 2017, c. 407, Pt. A, §3 (AMD).]

E. Appropriate organizations and agencies for training of substance use disorder treatment program staff and for evaluation of substance use disorder treatment program operations; [PL 2017, c. 407, Pt. A, §3 (AMD).]

F. Appropriate local, county and state governmental entities and other appropriate organizations and agencies to encourage the development of diversion and rehabilitation programs; and [PL 2003, c. 711, Pt. A, §2 (NEW).]

G. Appropriate organizations and agencies for the provision of medical, educational, vocational, social and psychological services, training, counseling, residential care and other rehabilitative services designed to create, improve or coordinate diversion or rehabilitation programs. [PL 2003, c. 711, Pt. A, §2 (NEW).]

[PL 2017, c. 407, Pt. A, §3 (AMD).]

SECTION HISTORY

PL 1999, c. 780, §1 (NEW). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2003, c. 711, §§A1,2 (AMD). PL 2011, c. 657, Pt. AA, §2 (AMD). PL 2017, c. 407, Pt. A, §3 (AMD).

§423. Reports

The Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 15th annually on the establishment and operation of substance use disorder treatment programs in the courts. The report must cover at least the following:
[PL 2019, c. 501, §1 (AMD).]

1. Training. Judicial training;
[PL 1999, c. 780, §1 (NEW).]

2. Locations. Locations in which the substance use disorder treatment programs are operated in each prosecutorial district;
[PL 2017, c. 407, Pt. A, §4 (AMD).]

3. Participating judges and justices. Judges and justices participating in the substance use disorder treatment programs at each location;
[PL 2017, c. 407, Pt. A, §4 (AMD).]

4. Community involvement. Involvement of the local communities, including the business community and local service agencies;
[PL 1999, c. 780, §1 (NEW).]

5. Education. Educational components;
[PL 1999, c. 780, §1 (NEW).]

6. Existing resources. Use of existing substance use disorder resources;
[PL 2017, c. 407, Pt. A, §4 (AMD).]

7. Statistics. Statistical summaries of each substance use disorder treatment program;
[PL 2017, c. 407, Pt. A, §4 (AMD).]

8. Collaboration. Demonstration of the collaboration required under section 421, subsection 3, including agreements and contracts, the entities collaborating with the Judicial Department, the value of the agreements and contracts and the amount of financial assistance provided by each entity; and
[PL 1999, c. 780, §1 (NEW).]

9. Evaluation of programs. Evaluation of substance use disorder treatment programs individually and overall.
[PL 2017, c. 407, Pt. A, §4 (AMD).]

SECTION HISTORY

PL 1999, c. 780, §1 (NEW). PL 2013, c. 159, §8 (AMD). PL 2017, c. 407, Pt. A, §4 (AMD). PL 2019, c. 501, §1 (AMD).

CHAPTER 8-A

MENTAL HEALTH TREATMENT COURTS

§431. Mental health treatment courts

1. Treatment courts; funding. The Judicial Department may seek and receive grants to establish mental health treatment courts.
[PL 2001, c. 520, §1 (NEW).]

2. Report. Before implementing a mental health treatment court, the Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on at least:

A. The funding mechanism and the expected duration of the funding; [PL 2001, c. 520, §1 (NEW).]

B. The plans for the mental health treatment court, which must include an evaluation component to determine the efficacy of the treatment court on short-term and long-term bases; [PL 2001, c. 520, §1 (NEW).]

C. The potential fiscal effects on the State; and [PL 2001, c. 520, §1 (NEW).]

D. Recommended legislation to implement the mental health treatment court, if any. [PL 2001, c. 520, §1 (NEW).]

[PL 2001, c. 520, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 520, §1 (NEW).

CHAPTER 8-B

VETERANS TREATMENT COURTS

§433. Veterans treatment courts

1. Definition. As used in this section, unless the context otherwise indicates, "veterans treatment court" means a specialized sentencing docket in select criminal cases in which the defendant is a veteran or member of the United States Armed Forces to enable veterans agencies and social services agencies to provide treatment for that defendant. The court does not provide treatment but contracts or collaborates with experienced and expert treatment providers.
[PL 2011, c. 500, §1 (NEW).]

2. Chief Justice may establish. The Chief Justice of the Supreme Judicial Court may establish veterans treatment courts for veterans and members of the United States Armed Forces. The Supreme Judicial Court may adopt administrative orders and court rules of practice and procedure as necessary.
[PL 2011, c. 500, §1 (NEW).]

3. Federal funding; contracts; cooperative agreements. The State Court Administrator, district attorneys, the Department of the Attorney General, the Department of Corrections, the Department of Defense, Veterans and Emergency Management, the Department of Public Safety, the Department of Health and Human Services and private service agencies may seek federal funding as it becomes available for the establishment, maintenance and expansion of veterans treatment courts and for the provision by participating agencies of treatment to participating veterans. The Administrative Office of the Courts may enter into contracts and cooperative agreements with the departments and agencies to provide treatment and other social services to participants. The departments and agencies shall collaborate and, to the extent possible, provide financial and other assistance to the judicial branch in order to establish and maintain veterans treatment courts.
[PL 2011, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 500, §1 (NEW).

CHAPTER 9

MAINE CRIMINAL JUSTICE SENTENCING INSTITUTE

§451. Establishment

(REPEALED)

SECTION HISTORY

PL 1965, c. 240, §1 (AMD). PL 1975, c. 771, §21 (AMD). PL 1979, c. 36 (AMD). PL 1983, c. 631 (AMD). PL 1983, c. 812, §10 (AMD). PL 1985, c. 506, §§A1-A (RPR). PL 1985, c. 779, §6 (AMD). PL 1989, c. 503, §B8 (AMD). PL 1989, c. 891, §A8 (AMD). PL 1993, c. 401, §1 (AMD). PL 1997, c. 134, §2 (RP).

§451-A. Courts' future implementation by Judicial Council

(REPEALED)

SECTION HISTORY

PL 1993, c. 401, §2 (NEW). PL 1997, c. 134, §3 (RP).

§452. Reports

(REPEALED)

SECTION HISTORY

PL 1997, c. 134, §4 (RP).

§453. Expenses

(REPEALED)

SECTION HISTORY

PL 1965, c. 240, §2 (AMD). PL 1983, c. 812, §11 (RPR). PL 1989, c. 891, §A9 (AMD). PL 1997, c. 134, §5 (RP).

§454. Maine Criminal Justice Sentencing Institute

There is established a Maine Criminal Justice Sentencing Institute under the administrative supervision of the State Court Administrator to provide a continuing forum for the regular discussion of the most appropriate methods of sentencing convicted offenders and adjudicated juveniles by judges in the criminal justice system, prosecutors, law enforcement and correctional personnel, representatives of advisory and advocacy groups and such representatives of the defense bar as the Chief Justice of the Supreme Judicial Court may invite. All Supreme Judicial Court, Superior Court and District Court Judges, all District Attorneys and attorneys within the Criminal Division of the Office of the Attorney General are, and such other criminal justice personnel as the Chief Justice of the Supreme Judicial Court may authorize may be, members of the institute. [PL 1999, c. 547, Pt. B, §11 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

When sufficient funding is allocated by the Legislature, the institute shall meet, at the call of the Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss recommendations for changes in the sentencing authority and policies of the State's criminal and juvenile courts, in response to current law enforcement problems and the available alternatives for criminal and juvenile rehabilitation within the State's correctional system. Inasmuch as possible the deliberations of the institute must be open to the general public. [PL 2013, c. 159, §9 (AMD).]

Members of the institute are not entitled to receive compensation for their services, but are allowed, out of any appropriation or other fund made available for the purpose, such expenses for clerical and other services, travel and incidentals as the Chief Justice of the Supreme Judicial Court may authorize. [PL 1997, c. 134, §6 (AMD).]

SECTION HISTORY

PL 1975, c. 610, §1 (NEW). PL 1975, c. 650 (AMD). PL 1979, c. 47, §§1,2 (AMD). PL 1989, c. 925, §1 (AMD). PL 1997, c. 134, §6 (AMD). PL 1999, c. 547, §B11 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 159, §9 (AMD).

CHAPTER 10

JUDICIAL CONFERENCE OF MAINE

§471. Judicial Conference of Maine

There is a Judicial Conference of Maine, referred to in this section as "the conference," composed of judges and justices who shall advise and consult with the Supreme Judicial Court and the Chief Justice on matters affecting the administration of the Judicial Department, who shall review and discuss proposals from the Chief Justice and the State Court Administrator that affect the administration of the Judicial Department and who shall meet at least once each year for that purpose. [RR 2021, c. 1, Pt. B, §14 (COR).]

A member of the conference may not receive any compensation for that member's services, but the conference and the several members thereof are allowed, out of judicial appropriation, such expenses for clerical and other services and travel incidentals as the State Court Administrator approves. [RR 2021, c. 1, Pt. B, §14 (COR).]

SECTION HISTORY

PL 1975, c. 408, §19-A (NEW). PL 1977, c. 544, §11 (AMD). RR 2021, c. 1, Pt. B, §14 (COR).

CHAPTER 11

REFEREES, MASTERS AND AUDITORS

§501. Appointment; fees

In all cases in the Supreme Judicial or in the Superior Court in which the court appoints one or more persons, not exceeding 3, as referees, masters or auditors, to hear the same, their fees and necessary expenses, including stenographic services as determined by the Chief Justice or the Chief Justice's designee, must be paid by the State on presentation of the proper certificate of the clerk of courts for the county in which such case is pending, or by such of the parties, or out of any fund or subject matter of the action, which is in the custody and control of the court, or by apportionment among such sources of payment, as the court may direct. The amount thereof must be fixed by the court upon the coming in of the report. These referees, masters and auditors shall notify the parties of the time and place of hearing and have power to adjourn. Witnesses may be summoned and compelled to attend and may be sworn by the referees, masters or auditors. When there is more than one referee, master or auditor, all must hear, but a majority may report, stating whether all did hear. Their report may be recommitted. They may be discharged and others appointed. [PL 2009, c. 166, §1 (AMD).]

No fee or compensation other than necessary expenses may be paid any Justice of the Supreme Judicial or of the Superior Court for services as referee, master or auditor, but this provision does not apply to an Active Retired Justice. [PL 2009, c. 166, §1 (AMD).]

No per diem fee, other than necessary expenses, may be paid any Official Court Reporter for services in these cases. [PL 2009, c. 166, §1 (AMD).]

A referee appointed to hear a dispute concerning real property must report the referee's decision within one year of appointment by the court unless good cause for extending this period is shown. [PL 2009, c. 166, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 383, §5 (AMD). PL 1975, c. 408, §20 (AMD). PL 1977, c. 114, §§10-12 (AMD). PL 2009, c. 166, §1 (AMD).

CHAPTER 13

CLERKS OF JUDICIAL COURTS

§551. Clerks of the judicial courts; appointments

For each county, or if the Supreme Judicial Court has by rule established judicial regions, for each judicial region, the Chief Justice of the Superior Court shall appoint clerks as necessary to serve the Superior Court. A clerk of the District Court may also serve as the clerk of the Superior Court. If the business of any county or judicial region does not require the full-time service of a clerk, the Chief Justice of the Superior Court may appoint a part-time clerk for that county or region. Whenever a clerk

is absent or temporarily unable to perform the duties of clerk and an existing or immediate session of the court requires it, the Chief Justice of the Superior Court may designate a clerk pro tempore who has the same powers and duties as the clerk. The clerks of the Superior Court shall also serve in their respective counties or judicial regions as clerks of the Supreme Judicial Court as needed. [PL 1995, c. 560, Pt. I, §15 (AMD).]

SECTION HISTORY

PL 1967, c. 419, §1 (RPR). PL 1969, c. 229 (RPR). PL 1975, c. 254, §1 (RPR). PL 1975, c. 408, §21 (RPR). PL 1975, c. 735, §7 (RP). PL 1975, c. 735, §§8,9 (AMD). PL 1983, c. 131, §2 (AMD). PL 1985, c. 68, §1 (AMD). PL 1995, c. 560, §I15 (AMD).

§552. Military or naval service

(REPEALED)

SECTION HISTORY

PL 1975, c. 254, §2 (RP).

§553. Bond

(REPEALED)

SECTION HISTORY

PL 1973, c. 625, §12 (AMD). PL 1981, c. 470, §A5 (RP).

§554. Accounting by clerks

Clerks of judicial courts shall account monthly for all fees received by them or payable to them by virtue of their office, except those portions of fees collected for passports and naturalization proceedings that are payable to the Federal Government, specify the items and pay the whole amount of the same to the Treasurer of State at such times and in such manner as the Chief Justice of the Superior Court or the Chief Justice's designee from time to time specifies. [PL 2015, c. 44, §2 (AMD).]

SECTION HISTORY

PL 1965, c. 330 (AMD). PL 1971, c. 544, §9 (AMD). PL 1975, c. 254, §3 (RP). PL 1975, c. 383, §6 (AMD). PL 1975, c. 408, §23 (AMD). PL 1975, c. 735, §10 (RPR). PL 1985, c. 68, §2 (AMD). PL 1991, c. 132, §3 (AMD). PL 2015, c. 44, §2 (AMD).

§555. Fee schedule

The Supreme Judicial Court shall have the authority to prescribe rules establishing the fees of clerks of the judicial courts. [PL 1979, c. 663, §10 (RPR).]

SECTION HISTORY

PL 1965, c. 256 (AMD). PL 1973, c. 355 (AMD). PL 1979, c. 425, §2 (RPR). PL 1979, c. 541, §A13 (AMD). PL 1979, c. 663, §10 (RPR).

§556. Account for moneys received; depository; accounts verified; deposits in name of court; forfeiture

The clerk shall keep a true and exact account of all moneys that the clerk receives or is entitled to receive for services by virtue of the office as clerk of the Superior or Supreme Judicial Courts and shall pay the same to the Treasurer of State. All moneys belonging to the county or State respectively must be paid within 30 days after they are received by the clerk, in such manner as the Chief Justice or the Chief Justice's designee shall from time to time specify. If, in either case, the clerk neglects to do so, the clerk shall pay 25% interest thereon until paid. Upon the county treasurer's or Treasurer of State's notice of any known delinquency, the clerk's bond must then be sued. [PL 2019, c. 475, §47 (AMD).]

Proceeds of all sales of property made under the judgment or decree of the Supreme Judicial Court or of the Superior Court and any and all other sums of money from whatever source derived in civil proceedings coming into the custody of the Supreme Judicial Court or of the Superior Court shall be deposited in such depository as the court having custody of such money shall designate, and shall be withdrawn therefrom upon order of the clerk of courts, countersigned by any Justice of the Supreme Judicial Court or of the Superior Court. Any justice of either of the courts shall designate some proper depository for the funds referred to and such designation shall be minuted on the docket of the court. Clerks of courts in the several counties shall keep a regular record containing the account of such funds showing the deposits and all accumulations thereof and the amounts withdrawn therefrom, specifying the date of such withdrawal and the case to which such matters relate. All deposits shall be in the name of the beneficiary with the clerk of court designated as custodian. [PL 1989, c. 501, Pt. P, §4 (AMD).]

Whenever any funds are ordered by the courts to be paid to a person entitled to these funds, all accrued interest must be paid to the claimant. Before receiving any funds under this section, the clerk shall inform all prospective parties to the court judgment or decree that a 5% fee will be assessed on all accrued interest as required by this section. The nonprevailing party or parties shall pay the court a fee equal to 5% of all interest accrued, but in no event may the fee exceed $1,000, unless otherwise ordered by the court. Whenever any funds remain unclaimed for 20 years from the date when payable under the court judgment or decree, the clerk shall obtain an order from the court, under whose judgment or decree these funds were placed in the clerk's custody, that a comprehensive abstract of the facts be advertised for 3 weeks successively in a newspaper of general circulation published in the county, and if no one appears to claim these funds within 60 days after the date of the last publication, the funds become forfeited to the State and must be paid by the clerk to the Treasurer of State. That portion of this section providing for the forfeiture of unclaimed funds applies to funds held by the clerk of courts for 20 years or more prior to September 16, 1961. [PL 2025, c. 260, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 383, §7 (AMD). PL 1975, c. 408, §24 (AMD). PL 1975, c. 735, §11 (AMD). PL 1989, c. 501, §§P4,P5 (AMD). PL 2019, c. 475, §47 (AMD). PL 2025, c. 260, §1 (AMD).

§557. Receipt and discharge of fines and costs voluntarily paid

The clerk shall receive all fines, forfeitures and bills of costs imposed or accruing to the use of the State when paid or tendered to the clerk before a precept is issued to enforce collection, give discharges therefor and enter them of record. [RR 2021, c. 1, Pt. B, §15 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §15 (COR).

§558. Administration of oaths

Clerks of courts may administer oaths required by law unless another officer is specially required to do it.

§559. Completion of records of deceased clerk

Under direction of the Superior Court, the clerk shall complete unfinished records of a former clerk deceased, when from entries on the dockets and papers on file it sufficiently appears what judgment was rendered. Such record, when approved by the court, is valid.

§560. Duties as to lists of magistrates, discharges of soldiers and seamen; files of state paper (REPEALED)

SECTION HISTORY

PL 1979, c. 13, §5 (RP).

§561. Taking illegal fees

A clerk who exacts or receives more than that clerk's lawful fees commits a civil violation for which a fine of $50 may be adjudged. [RR 2021, c. 1, Pt. B, §16 (COR).]

SECTION HISTORY

PL 1977, c. 696, §24 (RPR). RR 2021, c. 1, Pt. B, §16 (COR).

§562. Deputies; oath and bond; clerk pro tempore

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §6 (AMD). PL 1969, c. 56 (AMD). PL 1969, c. 504, §§3-A (AMD). PL 1975, c. 254, §4 (RP). PL 1975, c. 383, §§8,9 (AMD). PL 1975, c. 408, §25 (AMD). PL 1975, c. 735, §12 (RP).

§563. Record of civil cases

After the rendition of final judgment or decree in any civil action, the clerk shall, as soon as may be, make such a record thereof in short form, except in such specific instances as the court by general rule or special order may direct. If either party files a request and tenders the fees therefor, a full, extended record shall be made. The court may establish the form of such short form record and full, extended record.

§564. Record of criminal or traffic infraction cases; certain convictions or adjudications not criminal records

In indictments, clerks shall make records of the process, proceedings, judgment and sentence as the Supreme Judicial Court may prescribe by rule. In criminal prosecutions or civil violation proceedings brought up by appeal from inferior courts, clerks shall make records of the process, proceedings, judgment and sentence as the Supreme Judicial Court may prescribe by rule. [PL 1977, c. 114, §13 (RPR).]

Convictions for violation of the fish and wildlife laws or motor vehicle traffic laws or municipal ordinances where the fine imposed does not exceed $100 or adjudications for violations constituting traffic infractions shall not be deemed to constitute a criminal record against any person so convicted or adjudicated. This section shall not exempt any court from filing court abstracts as now required by law. [PL 1977, c. 114, §13 (RPR).]

SECTION HISTORY

PL 1975, c. 430, §19 (AMD). PL 1975, c. 731, §14 (AMD). PL 1977, c. 114, §13 (RPR).

§565. Examination and correction of records

The Chief Justice of the Superior Court may cause the records of each clerk to be examined and when found deficient, direct them to be immediately made or corrected, and when such order is not obeyed, the fact of such deficiency shall be certified to the Treasurer of State, who shall cause the clerk's bond to be sued. [PL 1985, c. 68, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 68, §3 (AMD).

§566. Disposal of money collected by action on clerk's bond

The money recovered in such action shall be applied under direction of the court, to complete the deficient records. If more than sufficient, the balance inures to the State. If not sufficient, the balance may be recovered by the Treasurer of State in an action founded on the bond and facts.

§567. No recording officer to be attorney or sue in own court nor draft nor aid in drafting paper to be recorded

A clerk, register or recording officer of any court of the State may not be attorney or counselor in any civil action or matter pending in that court; neither may that person commence actions to be entered therein, or draft or aid in drafting any document or paper that that person is by law required to record, in full or in part. Violation of this section is a civil violation for which a fine not to exceed $100 may be adjudged. Notwithstanding provisions of this section, clerks may aid litigants in the preparation of small claims filings. Nothing prevents the clerk from rendering assistance of a general nature to the bar or the public. [RR 2021, c. 1, Pt. B, §17 (COR).]

SECTION HISTORY

PL 1975, c. 383, §10 (AMD). PL 1975, c. 408, §26 (AMD). PL 1977, c. 78, §3 (RPR). PL 1977, c. 696, §25 (AMD). RR 2021, c. 1, Pt. B, §17 (COR).

§568. Duties of clerks as to records; fees

All clerks of courts shall receive and safely keep all such records and papers lodged in their offices and give attested copies thereof, for which they shall receive the same fees as a notary. Such copies shall be as valid as if certified by notaries.

§569. Clerks; taking of bail authorized

(REPEALED)

SECTION HISTORY

PL 1965, c. 356, §7 (NEW). PL 1987, c. 758, §4 (RP).

§570. Executive Clerk of the Supreme Judicial Court

The Chief Justice of the Supreme Judicial Court shall appoint an executive clerk of that court, whose authority, functions and duties shall be prescribed from time to time by the Supreme Judicial Court by rule or administrative order. The executive clerk of the Supreme Judicial Court may administer oaths and may sign and issue summonses, writs and other process in the name of the State and under the seal of the court. [PL 1985, c. 68, §4 (NEW).]

SECTION HISTORY

PL 1985, c. 68, §4 (NEW).

CHAPTER 15

REPORTERS OF DECISIONS AND TESTIMONY

SUBCHAPTER 1

REPORTERS IN THE SUPREME AND SUPERIOR COURTS

§651. Appointment and duties; salary and expenses

(REPEALED)

SECTION HISTORY

PL 1965, c. 512, §1 (AMD). PL 1967, c. 470, §1 (AMD). P&SL 1969, c. 197, §D2 (AMD). PL 1969, c. 203 (AMD). PL 1969, c. 480 (AMD). PL 1969, c. 590, §4 (AMD). PL 1971, c. 382 (AMD). PL 1971, c. 505 (AMD). PL 1973, c. 578 (AMD). PL 1973, c. 599, §3 (AMD). PL 1973,

c. 788, §7 (AMD). PL 1975, c. 383, §11 (AMD). PL 1975, c. 408, §§27,27-A (AMD). PL 1975, c. 430, §20 (AMD). PL 1977, c. 208, §1 (RPR). PL 1981, c. 647, §§2,3 (AMD). PL 1987, c. 152 (AMD). PL 1991, c. 528, §E2 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E2 (RP).

§651-A. Production of reviewable record

The Supreme Judicial Court shall prescribe rules that ensure the production of a reviewable record of proceedings before all state courts within the Judicial Department. [PL 1991, c. 528, Pt. E, §3 (NEW); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §3 (NEW).]

SECTION HISTORY

PL 1991, c. 528, §E3 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E3 (NEW).

§652. Approval and payment of reporters' expenses

(REPEALED)

SECTION HISTORY

PL 1975, c. 383, §12 (RPR). PL 1975, c. 408, §28 (RPR). PL 1975, c. 735, §13 (RP). PL 1977, c. 208, §2 (RPR). PL 1991, c. 528, §E4 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E4 (RP).

§653. Authentication of evidence

In all cases coming before the Law Court from the Supreme Judicial Court or from the Superior Court in which a copy of the evidence is required by statute, rule of court or order of the presiding justice, a certificate signed by the Official Court Reporter or a transcriber of an electronically recorded record, stating that the report furnished by the reporter or transcriber is a correct transcript of the reporter's stenographic notes or the electronically recorded record of the testimony and proceedings at the trial of the cause, is a sufficient authentication of the reporter's stenographic notes or the electronically recorded record without the signature of the presiding justice. [PL 2007, c. 539, Pt. JJ, §3 (AMD).]

SECTION HISTORY

PL 2007, c. 539, Pt. JJ, §3 (AMD).

§654. Death or disability

When in any criminal case any material part of a transcript of the evidence taken by the Official Court Reporter cannot be obtained because of that court reporter's death or disability, the justice who presided at the trial of the case shall on motion, after notice and hearing, if it is evident that the lack of such transcript prejudices the respondent in prosecuting that respondent's exceptions or appeal, set aside any verdict rendered in the case and grant a new trial at any time within one year after it was returned. [RR 2021, c. 1, Pt. B, §18 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §18 (COR).

§655. Testimony proved by certified copy of notes or transcript of former testimony

Whenever it becomes necessary in any court in the State to prove the testimony of a witness at the trial of any former case in any court in the State, the certified copy of the notes of such testimony, taken by the Official Court Reporter at the court where the witness testified, or the transcript created by a transcriber of the electronically recorded record made at the court where the witness testified, is evidence to prove the witness's testimony. [PL 2007, c. 539, Pt. JJ, §4 (AMD).]

SECTION HISTORY

PL 2007, c. 539, Pt. JJ, §4 (AMD).

§656. Stenographic reports, transcripts taxed in bill of costs

Any amount legally chargeable by Official Court Reporters for writing out their reports or for transcribers for creating transcripts from the electronically recorded records for use in civil actions and actually paid by either party whose duty it is to furnish the reports or records may be taxed in the bill of costs and allowed against the losing party, as is allowed for copies, if furnished by the clerk. [PL 2007, c. 539, Pt. JJ, §5 (AMD).]

SECTION HISTORY

PL 2007, c. 539, Pt. JJ, §5 (AMD).

SUBCHAPTER 2

REPORTER OF THE LAW COURT

§701. Appointment and tenure; salary

(REPEALED)

SECTION HISTORY

PL 1965, c. 391, §1 (AMD). PL 1969, c. 467, §4 (RP).

§702. Duties

The Reporter of Decisions shall prepare correct reports of all legal questions argued and decided, reporting cases more or less at large according to the reporter's judgment of their importance. The reporter shall publish periodic advance sheets and at least one volume of Maine Reports yearly. The reporter shall, subject to the approval of the Chief Justice of the Supreme Judicial Court, make a written contract in the name of the State with any person, firm or corporation for the printing, publishing and binding of those reports. The price of each volume and the advance sheets must be stated in the contract. The reporter may require the person, firm or corporation with whom the reporter contracts to give a good and sufficient bond with good and sufficient sureties, conditioned for the faithful performance of all the terms and conditions of that contract by the person, firm or corporation with whom the reporter contracts. In case of a breach of any or all of the conditions of the bond, the reporter may maintain an action on the bond in the name of the State. In the exercise of any discretionary powers vested in the reporter by this section or by section 57, the Reporter of Decisions shall act in accordance with such instructions or advice received from the Chief Justice of the Supreme Judicial Court. [PL 2019, c. 475, §48 (AMD).]

All copies of the Maine Reports purchased by the State must be delivered to the State Law Librarian for distribution as provided in Title 3, section 173, subsection 3, paragraph B. [PL 2019, c. 475, §48 (AMD).]

SECTION HISTORY

PL 1965, c. 459, §1 (AMD). PL 1973, c. 788, §8 (AMD). PL 2019, c. 475, §48 (AMD).

§703. Copyright of reports

(REPEALED)

SECTION HISTORY

PL 1965, c. 459, §2 (RP).

§704. Reimbursement for expenses

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §4 (RP).

SUBCHAPTER 3

REPORTERS AND TRANSCRIPTS IN PROBATE COURT

§751. Duties of reporters

The judge of any court of probate or court of insolvency may appoint a reporter to report the proceedings at any hearing or examination in that judge's court, whenever that judge considers it necessary or advisable. Such reporter must be sworn to a faithful discharge of that reporter's duty and, under the direction of the judge, shall take full notes of all oral testimony at such hearing or examination and such other proceedings at such hearing or examination as the judge directs; and when required by the judge shall furnish for the files of the court a correct typewritten transcript of that reporter's notes of the oral testimony of any person testifying at such hearing or submitting to such examination, and in making that transcript the reporter shall transcribe that reporter's notes in full by questions and answers. [RR 2021, c. 1, Pt. B, §19 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §19 (COR).

§752. Reading and signing transcript of testimony

In cases when the person testifying or submitting to examination is required by law to sign that person's testimony or examination, the transcript made as provided in section 751 must be read to the person whose testimony or examination it is, at a time and place to be appointed by the judge, unless such person or that person's counsel in writing waives such reading. If it is found to be accurate, or if it contains errors or mistakes or alleged errors or mistakes and such errors or mistakes are either corrected or the proceedings had in relation to the same as provided, such transcript must be signed by the person whose testimony or examination it is. When the reading of a transcript is waived as provided by this section, such transcript must be considered correct. In all other cases the transcript need not be signed but must be considered to be complete and correct without signing and has the same effect as if signed. [RR 2021, c. 1, Pt. B, §20 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §20 (COR).

§753. Copies of transcript as evidence

Whenever it becomes necessary in any court in the State to prove the testimony or examination taken as provided in sections 751 and 752, the certified copy of the transcript of such testimony or examination taken by such stenographer is evidence to prove the same.

§754. Correction of mistakes in transcript

Manifest errors or mistakes in any transcript may be corrected, under the direction of the judge, according to the facts. When an error or mistake is alleged by the party conducting the hearing or examination or by that party's counsel, or by the person testifying or submitting to examination or by that person's counsel, and those parties cannot agree whether or not there is such an error or mistake as alleged, or what correction should be made, the judge shall decide whether or not such an error or mistake exists, and may allow or disallow a correction according as the judge may find the fact. In such case the judge shall annex to the transcript a certificate signed by the judge stating the alleged error or

mistake and by whom alleged, and the correction allowed or disallowed. In case such parties mutually agree that there is an error or mistake in the transcript, and in like manner agree what the correction should be, the transcript may be corrected according to such agreement, but such correction must be stated and made in the presence of the judge. Changes or alterations may not be made in any transcript except in the presence of the judge or the person appointed by the judge to take the examination. [RR 2021, c. 1, Pt. B, §21 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §21 (COR).

§755. Appointment of reporter by judge

When an examination is taken before some person appointed by the judge to take it, the judge may appoint a reporter to attend such examination for the purposes mentioned in section 751, and the duties of such reporter shall be the same as in examinations before the judge. The powers and duties of any person appointed by the judge to take an examination shall be the same at such examination as those of the judge, and the same proceedings for the correction or alteration of transcripts may be had before such person as before the judge.

§756. Transcripts deemed original papers

All transcripts made and signed as provided shall be deemed original papers.

SUBCHAPTER 4

GENERAL PROVISIONS; ETHICAL STANDARDS

§771. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2013, c. 298, §1 (NEW).]

1. Court reporter. "Court reporter" means a person who records legal proceedings by stenotype machine or other means allowed under the Maine Rules of Civil Procedure, Rule 30 and provides prompt preparation of an accurate, verbatim written transcript. "Court reporter" does not include an employee of the Judicial Branch or a person transcribing legal proceedings for the Judicial Branch.
[PL 2013, c. 298, §1 (NEW).]

2. Court reporting services. "Court reporting services" means services provided by a court reporter.
[PL 2013, c. 298, §1 (NEW).]

3. Court reporting services provider. "Court reporting services provider" means a business, entity or firm that provides or arranges for court reporting services.
[PL 2013, c. 298, §1 (NEW).]

4. Governmental entity. "Governmental entity" has the same meaning as in Title 14, section 8102, subsection 2.
[PL 2013, c. 298, §1 (NEW).]

5. Legal proceeding. "Legal proceeding" means a proceeding or series of proceedings by which a legal judgment is invoked and includes but is not limited to:

A. A court proceeding; [PL 2013, c. 298, §1 (NEW).]

B. A deposition; [PL 2013, c. 298, §1 (NEW).]

C. An administrative hearing; [PL 2013, c. 298, §1 (NEW).]

D. An arbitration hearing; [PL 2013, c. 298, §1 (NEW).]

E. An examination under oath; and [PL 2013, c. 298, §1 (NEW).]

F. A sworn statement. [PL 2013, c. 298, §1 (NEW).]
[PL 2013, c. 298, §1 (NEW).]

6. Party. "Party" means a party to an action that is the subject of the legal proceeding for which court reporting services are provided or sought to be provided.
[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§772. Relationship to party or proceeding; prohibition

1. Prohibition. A court reporter or a court reporting services provider may not provide court reporting services for a legal proceeding if that court reporter or the court reporting services provider:

A. Has a contractual relationship with a party or an attorney, representative, agent or insurer of a party, other than a contract to provide court reporting, litigation and trial support services; [PL 2013, c. 298, §1 (NEW).]

B. Engages in any prohibited actions set forth in section 773; or [PL 2013, c. 298, §1 (NEW).]

C. Is a party. [PL 2013, c. 298, §1 (NEW).]

A court reporter may not provide court reporting services for a legal proceeding if the court reporter is a relative, employee or attorney of one of the parties or is a relative, employee or attorney of a person with a financial interest in the action or its outcome.
[PL 2013, c. 298, §1 (NEW).]

2. Reasonable effort to determine; requirement. Prior to the provision of court reporting services, a court reporter or court reporting services provider shall make reasonable efforts to determine whether the provision of court reporting services is prohibited under this subchapter.
[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§773. Prohibited actions

A court reporter or court reporting services provider may not: [PL 2013, c. 298, §1 (NEW).]

1. Contract. Enter into an oral or written contractual agreement with an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding, other than a contract to provide court reporting, litigation and trial support services;
[PL 2013, c. 298, §1 (NEW).]

2. Advantage. Give an economic or other advantage to a party or a party's attorney, representative, agent, insurer or employee without offering the advantage to all parties or fail to offer comparable services, prices or financial terms to all parties, except that different credit terms may be offered based on payment experience and creditworthiness;
[PL 2013, c. 298, §1 (NEW).]

3. Outcome-based payment. Offer or provide court reporting services if payment for those services is made contingent on the outcome of the legal proceeding, base the compensation for the court reporting services on the outcome of the legal proceeding or otherwise give the court reporter or court reporting services provider a financial interest in the action;

[PL 2013, c. 298, §1 (NEW).]

4. Restrict choice of court reporter. Enter into an agreement for court reporting services that restricts an attorney from using the court reporter or court reporting services provider of the attorney's choosing;
[PL 2013, c. 298, §1 (NEW).]

5. Allow manipulation. Allow the format, content or body of a certified transcript as submitted by the court reporter to be manipulated in a manner that increases the cost of the transcript; or
[PL 2013, c. 298, §1 (NEW).]

6. Interference with services. Enter into a contract for court reporting services that allows an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity to interfere with a court reporter's right to deal directly with all parties to a proceeding, including any provision in a contract that restricts the right of the court reporter to contract with the other parties in a legal proceeding to provide transcripts to those parties.
[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§774. Comparable treatment of parties

1. Itemized statement. At any time during or following a legal proceeding, an attorney or a party is entitled to an itemized statement of the rates and charges for all services that have been or will be provided by a court reporter or court reporting services provider that is providing court reporting services to any party to the legal proceeding.
[PL 2013, c. 298, §1 (NEW).]

2. Information to parties. A court reporter or court reporting services provider shall provide to the parties information on prices, terms and conditions of court reporting services in sufficient time prior to the commencement of the legal proceeding to allow the parties the opportunity to effectively negotiate for any changes necessary to ensure that comparable terms and conditions are made available to all parties.
[PL 2013, c. 298, §1 (NEW).]

3. Information to court. Upon request, a court reporter or court reporting services provider shall provide an itemized invoice of all rates and charges for court reporting services provided to the administrative body, court or administrative tribunal in which the action upon which the legal proceeding is based is pending or scheduled to be heard.
[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§775. Waiver prohibited

The provisions of this subchapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable. [PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§776. Exception; governmental entities

Notwithstanding section 773, if authorized or required by law, ordinance or rule, a governmental entity may obtain court reporting services on a long-term basis through competitive bidding. [PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§777. Construction; pro bono services

Nothing in this chapter may be construed to limit the ability of a court reporting services provider to provide pro bono services to persons or parties with limited means. [PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§778. Remedies

1. Motion. A party may file a motion alleging a violation of this subchapter with the administrative body, court or administrative tribunal in which the action upon which the motion is based is pending or scheduled to be heard. A person need not commence a separate action to allege a violation of this subchapter.
[PL 2013, c. 298, §1 (NEW).]

2. Sanction. In addition to remedies that are otherwise available by law, an administrative body, court or administrative tribunal that receives a motion filed pursuant to this section and determines that a person violated this subchapter may refuse to admit the contested transcript and may bar the person from providing services in matters before that administrative body, court or administrative tribunal.
[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§779. Application

1. Application to services. This subchapter applies to court reporting services performed in this State, whether a party appears in person or by remote means, provided by:

A. A court reporter or court reporting services provider, whether or not based in the State, in connection with a legal proceeding that is commenced or maintained in this State; or [PL 2013, c. 298, §1 (NEW).]

B. A court reporter or court reporting services provider based in this State in connection with a legal proceeding that is commenced or maintained in a foreign jurisdiction. [PL 2013, c. 298, §1 (NEW).]

[PL 2013, c. 298, §1 (NEW).]

2. Application to Judicial Branch. This subchapter does not apply to court reporting services performed by employees of the Judicial Branch or persons transcribing legal proceedings for the Judicial Branch.
[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

CHAPTER 17

ATTORNEYS AT LAW

SUBCHAPTER 1

ADMISSION TO PRACTICE

§801. Board of bar examiners; purpose; appointment

The Supreme Judicial Court shall create a board of bar examiners for the purposes of designing, administering and passing judgment on examinations taken by those individuals seeking admission to the bar. The board shall make recommendations to the Supreme Judicial Court as to which individuals have successfully passed this examination process and fulfilled the other requirements of this chapter for admission to the bar. All procedural, administrative and budgetary actions of a board of bar examiners shall be subject to rules established by the Supreme Judicial Court and are deemed to be actions of the Supreme Judicial Court. The board shall be composed of 9 members, 7 of whom shall be licensed to practice law in the State and shall be appointed by the Governor on the recommendation of the Supreme Judicial Court. The remaining 2 members shall be public members and shall be appointed by the Governor. [PL 1987, c. 395, Pt. A, §10 (RPR).]

SECTION HISTORY

PL 1971, c. 286, §1 (RPR). PL 1975, c. 66, §1 (RPR). PL 1975, c. 575, §§1,2 (AMD). PL 1975, c. 770, §14 (RPR). PL 1977, c. 3, §§1,2 (AMD). PL 1977, c. 694, §2 (AMD). PL 1983, c. 812, §12 (AMD). PL 1985, c. 124, §1 (AMD). PL 1987, c. 395, §A10 (RPR).

§801-A. Reports; limitations

(REPEALED)

SECTION HISTORY

PL 1977, c. 604, §1 (NEW). PL 1987, c. 395, §A11 (RP).

§801-B. Budget

(REPEALED)

SECTION HISTORY

PL 1977, c. 604, §1 (NEW). PL 1995, c. 279, §1 (RP).

§802. Attorneys from other states

Attorneys who are practicing law in other states, territories or foreign countries may be admitted on motion to try cases in any of the courts of this State by those courts, but shall not be admitted to the general practice of law in this State without complying with section 805-A. [PL 1985, c. 124, §2 (AMD).]

SECTION HISTORY

PL 1967, c. 441, §1 (AMD). PL 1971, c. 286, §1 (RPR). PL 1973, c. 550, §1 (AMD). PL 1985, c. 124, §2 (AMD).

§803. Qualifications for taking bar examination

1. Evidence of graduation. Before taking the examination for admission to the bar of the State, each applicant shall produce to a board of bar examiners satisfactory evidence that the applicant graduated with a bachelor's degree from an accredited college or university or that the applicant successfully completed at least 2 years' work as a candidate for that degree at an accredited college or university.
[RR 2021, c. 1, Pt. B, §22 (COR).]

2. Further qualifications. Each applicant shall produce to a board of bar examiners satisfactory evidence that the applicant:

A. Graduated from a law school accredited by the American Bar Association; [PL 1985, c. 124, §3 (NEW).]

B. Graduated from a law school accredited by the United States jurisdiction in which it is located, that the applicant has been admitted to practice by examination in one or more jurisdictions within the United States and has been in active practice there for at least 3 years; [RR 2021, c. 1, Pt. B, §22 (COR).]

C. Graduated from a foreign law school with a legal education that, in the board's opinion, is equivalent to that provided in those law schools accredited by the American Bar Association; or [RR 2021, c. 1, Pt. B, §22 (COR).]

D. Successfully completed 2/3 of the requirements for graduation from a law school accredited by the American Bar Association and then pursued the study of law in the office of an attorney within the State for at least one year. [PL 1985, c. 124, §3 (NEW).]

[RR 2021, c. 1, Pt. B, §22 (COR).]

3. Eligibility for examination. When an applicant has satisfied a board of bar examiners that these requirements have been fulfilled and has paid a fee fixed by the Supreme Judicial Court, that applicant is eligible to take the examinations prepared or adopted by the board to determine if that applicant has the qualifications required by this chapter for admission to the bar.
[RR 2021, c. 1, Pt. B, §22 (COR).]

SECTION HISTORY

PL 1971, c. 286, §1 (RPR). PL 1973, c. 550, §2 (AMD). PL 1975, c. 66, §2 (AMD). PL 1985, c. 124, §3 (RPR). PL 1987, c. 395, §A12 (AMD). RR 2021, c. 1, Pt. B, §22 (COR).

§804. Further qualifications; examination; fee; grade of

(REPEALED)

SECTION HISTORY

PL 1967, c. 370, §§1,2 (AMD). PL 1971, c. 286, §2 (AMD). PL 1971, c. 411 (AMD). PL 1971, c. 622, §6 (AMD). PL 1973, c. 550, §3 (AMD). PL 1975, c. 66, §3 (AMD). PL 1979, c. 541, §A14 (AMD). PL 1983, c. 247 (AMD). PL 1985, c. 124, §4 (RP).

§805. Reexamination

(REPEALED)

SECTION HISTORY

PL 1971, c. 286, §§3,4 (AMD). PL 1975, c. 66, §4 (RPR). PL 1985, c. 124, §5 (RPR). PL 1987, c. 395, §A13 (RP).

§805-A. Qualifications for admission to practice

1. Certificate of qualification; admission. Any person who produces a certificate of qualification from the board recommending that person's admission to the bar may be admitted to practice as an attorney in the courts of this State on motion in open court. A person may not be denied the opportunity to qualify for admission because of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.
[PL 2021, c. 553, §1 (AMD).]

2. Issuance of certificate of qualification. A board of bar examiners shall issue a certificate of qualification stating that the applicant is a person of good moral character and possesses sufficient learning in the law to practice as an attorney in the courts of this State to each applicant who:

A. Produces satisfactory evidence of good moral character; [PL 2025, c. 182, §1 (AMD).]

B. Attains the passing grades established by the board on those examinations required by the board; and [PL 1985, c. 124, §6 (NEW).]

C. [PL 2023, c. 141, §1 (RP).]

D. Establishes that the applicant has satisfied all of the other requirements under the Maine Bar Admission Rules for the board to issue a certificate of qualification. [PL 2023, c. 141, §2 (NEW).]

[PL 2025, c. 182, §1 (AMD).]

3. Admission within one year of passing bar examination. An applicant for admission by examination must be admitted to practice within one year from the date that the applicant has been notified of that applicant's passing of the bar examination. This one-year period may be extended by successive one-year periods by a Justice of the Supreme Judicial Court on motion for good cause shown during the period.

[PL 2023, c. 141, §3 (AMD).]

4. Admission within one year of applying for admission on motion. An applicant who is an attorney admitted to practice law in a state or territory of the United States or the District of Columbia who meets the requirements for admission on motion under the Maine Bar Admission Rules must be admitted to practice within one year from the date that the board of bar examiners receives the applicant's application. This period may be extended by a 6-month period by the board of bar examiners pursuant to the regulations of the board of bar examiners and then by successive one-year periods by a Justice of the Supreme Judicial Court on motion for good cause shown during the 6-month period or any succeeding one-year period.

[PL 2023, c. 141, §4 (NEW).]

SECTION HISTORY

PL 1985, c. 124, §6 (NEW). PL 1987, c. 395, §A14 (AMD). PL 1993, c. 643, §1 (AMD). RR 2021, c. 1, Pt. B, §23 (COR). PL 2021, c. 553, §1 (AMD). PL 2023, c. 141, §§1-4 (AMD). PL 2025, c. 182, §1 (AMD).

§806. Attorney's oath

Upon admission to the bar, every applicant shall, in open court, take and subscribe an oath to support the Constitution of the United States and the Constitution of this State, and take the following oath, or, in the case of an applicant conscientiously scrupulous of taking an oath, such applicant shall make appropriate affirmations to the same effect: [PL 1975, c. 66, §5 (AMD).]

"You solemnly swear that you will do no falsehood nor consent to the doing of any in court, and that if you know of an intention to commit any, you will give knowledge thereof to the justices of the court or some of them that it may be prevented; you will not wittingly or willingly promote or sue any false, groundless or unlawful suit nor give aid or consent to the same; that you will delay no man for lucre or malice, but will conduct yourself in the office of an attorney within the courts according to the best of your knowledge and discretion, and with all good fidelity, as well as to the courts, as to your clients. So help you God."

SECTION HISTORY

PL 1975, c. 66, §5 (AMD).

§806-A. License to practice subject to condition

Each person who is admitted to practice as an attorney in this State must complete, within 18 months after that person's license is issued, any practical skills course approved by the board. This period may be enlarged by a Justice of the Supreme Judicial Court on motion for good cause shown during that period. [RR 2021, c. 1, Pt. B, §24 (COR).]

If an attorney fails to complete this course within the time allowed, the board shall notify the Supreme Judicial Court and the Board of Overseers of the Bar that the attorney's license is invalid and continued practice of law is unauthorized under section 807. [PL 1985, c. 124, §7 (NEW).]

An attorney who loses that attorney's license under this section must be readmitted after notifying the Supreme Judicial Court and the Board of Overseers of the Bar of that attorney's later compliance with this section. [RR 2021, c. 1, Pt. B, §24 (COR).]

SECTION HISTORY

PL 1985, c. 124, §7 (NEW). RR 2021, c. 1, Pt. B, §24 (COR).

§807. Unauthorized practice of law

1. Prohibition. No person may practice law or profess to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless that person has been admitted to the bar of this State and has complied with section 806-A, or unless that person has been admitted to try cases in the courts of this State under section 802.
[PL 1989, c. 755 (RPR).]

2. Violation. Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime.
[PL 1989, c. 755 (RPR).]

3. Application. This section shall not be construed to apply to:

A. Practice before any Federal Court by any person admitted to practice therein; [PL 1989, c. 755 (RPR).]

B. A person pleading or managing that person's own cause in court; [PL 1989, c. 755 (RPR).]

C. An officer or authorized employee of a corporation, partnership, sole proprietorship or governmental entity, or a member, manager or authorized employee of a limited liability company, who is not an attorney but is appearing for that organization:

(1) In an action cognizable as a small claim under Title 14, chapter 738; or

(2) For the purposes of entering a plea or answer and paying the fine or penalty for a violation by that organization of Title 23, chapter 24 or Title 29-A; [PL 2001, c. 119, §1 (AMD).]

D. A person who is not an attorney, but is representing a municipality under:

(1) Title 30-A, section 2671, subsection 3;

(3) Title 30-A, section 4452, subsection 1; or

(4) Title 38, section 441, subsection 2; [PL 1997, c. 296, §1 (AMD).]

E. A person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7; [PL 1989, c. 755 (RPR).]

F. A person who is not an attorney, but is representing the Bureau of Unemployment Compensation or the Bureau of Revenue Services under section 807-A; [PL 1995, c. 560, Pt. G, §1 (AMD); PL 1997, c. 526, §14 (AMD).]

G. A person who is not an attorney, but is representing a party in any hearing, action or proceeding before the Workers' Compensation Board as provided in Title 39-A, section 317; [PL 1995, c. 419, §1 (AMD).]

H. A person who is not an attorney but has been designated to represent the Department of Health and Human Services under Title 22, section 3473, subsection 3 or under Title 22-A, section 207, subsection 7 in Probate Court proceedings; [PL 2007, c. 539, Pt. N, §4 (AMD).]

I. A person who is not an attorney, but is representing the Department of Health and Human Services in a child support enforcement matter as provided by Title 14, section 3128-A, subsection 7; Title 18-C, section 5-204; and Title 19-A, section 2361, subsection 10; [PL 2017, c. 402, Pt. C, §5 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

J. For the purposes of defending a civil action filed against a corporation, an officer of the corporation if the corporation is organized in this State and has 5 or fewer shareholders; [PL 1997, c. 683, Pt. E, §2 (AMD).]

K. A person who is not an attorney, but who is representing the Department of Health and Human Services in accordance with Title 19-A, section 1615; Title 19-A, section 2009, subsection 8; Title 19-A, section 2201, subsection 1-B; and Title 19-A, section 2202, subsection 1-B; [PL 1999, c. 139, §1 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

L. A person who is not an attorney, but who is representing the Department of Agriculture, Conservation and Forestry in accordance with Title 7, section 3909, subsection 2; [PL 2003, c. 278, §1 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

M. A law enforcement officer, as defined in Title 29-A, section 101, subsection 30, who is not an attorney but who is representing the State in the prosecution of a traffic infraction, as defined in Title 29-A, section 101, subsection 85, when representation in that matter has been approved by the prosecuting attorney; [PL 2007, c. 249, §4 (AMD).]

N. A person who is not an attorney, but is representing the State under section 807-A; [PL 2007, c. 611, §1 (AMD).]

O. A person who is not an attorney, but who is representing a party in any hearing, action or proceeding before the Maine Public Employees Retirement System; [PL 2009, c. 480, §1 (AMD).]

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Conservation and Forestry at adjudicatory hearings before the commission in accordance with Title 8, section 263-C; [PL 2013, c. 45, §1 (AMD); PL 2013, c. 134, §1 (AMD).]

Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; [RR 2013, c. 1, §5 (COR).]

R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer under Title 36, section 151-A, subsection 2 and is representing a party in any hearing, action or proceeding before the Maine Board of Tax Appeals in accordance with Title 36, section 151-D; [PL 2019, c. 449, §1 (AMD).]

REVISOR'S NOTE: (Paragraph R as enacted by PL 2013, c. 134, §3 is REALLOCATED TO TITLE 4, SECTION 807, SUBSECTION 3, PARAGRAPH S)

S. **(REALLOCATED FROM T. 4, §807, sub-§3, ¶R)** An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709; [PL 2021, c. 567, §4 (AMD).]

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207; [PL 2025, c. 97, §1 (AMD).]

U. Practice, pursuant to a rule of the Supreme Judicial Court, by a law student enrolled in a law school accredited by the American Bar Association; or [PL 2025, c. 97, §2 (AMD).]

V. An attorney certified by the judge advocate general of that attorney's respective military branch representing Maine National Guard members in proceedings conducted pursuant to Title 37-B, section 415-A. [PL 2025, c. 97, §3 (NEW).]

[PL 2025, c. 97, §§1-3 (AMD).]

4. Evidence. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that that person is not a member of the bar licensed to practice law in the State.

[PL 1989, c. 755 (RPR).]

SECTION HISTORY

PL 1965, c. 92, §1 (AMD). PL 1969, c. 396 (AMD). PL 1973, c. 625, §13 (AMD). PL 1975, c. 636 (AMD). PL 1977, c. 593, §1 (AMD). PL 1977, c. 696, §26 (AMD). PL 1979, c. 700, §2 (AMD). PL 1983, c. 126 (AMD). PL 1983, c. 420 (AMD). PL 1983, c. 796, §2 (AMD). PL 1985, c. 124, §8 (AMD). PL 1985, c. 598, §1 (AMD). PL 1985, c. 742, §1 (AMD). PL 1987, c. 30 (AMD). PL 1987, c. 402, §A8 (AMD). PL 1987, c. 559, §B1 (AMD). PL 1987, c. 737, §§C4,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C2,C8,C10 (AMD). PL 1989, c. 265, §1 (AMD). PL 1989, c. 755 (RPR). PL 1989, c. 858, §1 (AMD). PL 1991, c. 885, §E4 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1995, c. 65, §A5 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 419, §§1-3 (AMD). PL 1995, c. 560, §§G1,K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 599, §§1-3 (AMD). PL 1995, c. 694, §D4 (AMD). PL 1995, c. 694, §E2 (AFF). RR 1997, c. 1, §2 (COR). PL 1997, c. 238, §1 (AMD). PL 1997, c. 296, §1 (AMD). PL 1997, c. 393, §A6 (AMD). PL 1997, c. 393, §A7 (AFF). PL 1997, c. 466, §§1,2 (AMD). PL 1997, c. 466, §28 (AFF). PL 1997, c. 526, §14 (AMD). PL 1997, c. 669, §1 (AMD). PL 1997, c. 683, §§E2-4 (AMD). PL 1999, c. 139, §§1-3 (AMD). PL 2001, c. 119, §1 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 554, §1 (AMD). RR 2003, c. 2, §1 (COR). PL 2003, c. 278, §§1-3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 58, §3 (REV). PL 2007, c. 249, §§4-6 (AMD). PL 2007, c. 539, Pt. N, §4 (AMD). PL 2007, c. 611, §§1-3 (AMD). PL 2009, c. 480, §1-3 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). RR 2013, c. 1, §§5-7 (COR). PL 2013, c. 45, §§1-3 (AMD). PL 2013, c. 134, §§1-3 (AMD). PL 2015, c. 195, §1 (AMD). PL 2017, c. 402, Pt. C, §§5, 6 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2019, c. 449, §§1-3 (AMD). PL 2019, c. 597, §§1-4 (AMD). PL 2021, c. 567, §4 (AMD). PL 2025, c. 97, §§1-3 (AMD).

§807-A. Representation by Bureau of Unemployment Compensation, Department of the Attorney General or Bureau of Revenue Services employees

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Unemployment Compensation may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes and overpayments for which warrants have been issued pursuant to Title 26, chapter 13. [PL 1995, c. 560, Pt. G, §2 (AMD).]

Upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of Administrative and Financial Services, Bureau of Revenue Services may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes for which warrants have been issued pursuant to Title 36, and may represent the State Tax Assessor in arraignment proceedings in District Court in cases in which a criminal complaint has been filed alleging violation of a provision of Title 36. [PL 2005, c. 683, Pt. A, §3 (RPR).]

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of the Attorney General may serve civil process and represent the State

in District Court in disclosure proceedings pursuant to Title 14, chapters 502 and 502-A. [PL 2007, c. 248, §1 (AMD).]

If the Supreme Judicial Court adopts rules under this section, the rules must include the establishment of standards and a method to certify employees of the Bureau of Unemployment Compensation, the Department of the Attorney General and the Bureau of Revenue Services who may represent the State in court under this section as being familiar with court procedures. [PL 2003, c. 278, §4 (AMD).]

SECTION HISTORY

PL 1985, c. 598, §2 (NEW). PL 1987, c. 497, §1 (AMD). PL 1989, c. 508, §1 (AMD). PL 1995, c. 560, §G2 (AMD). PL 1997, c. 526, §14 (AMD). PL 2003, c. 278, §4 (AMD). PL 2005, c. 218, §1 (AMD). PL 2005, c. 332, §1 (AMD). PL 2005, c. 683, §A3 (AMD). PL 2007, c. 248, §1 (AMD).

§807-B. Authorized immigration and nationality law assistance

1. Short title. This section may be known and cited as "the Immigration and Nationality Law Assistance Act."
[PL 2005, c. 629, §1 (NEW).]

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensation" means money, property, the reciprocal exchange of services or anything else of value. [PL 2005, c. 629, §1 (NEW).]

B. "Federally authorized immigration representative" means an attorney who is admitted to and in good standing before the bar of a state of the United States other than Maine, or other person who is authorized to represent another in immigration and nationality law matters to the extent allowed under federal law or regulations, including 8 Code of Federal Regulations, Sections 292.1 and 1292.1 (1996), with such representation specifically limited to federal immigration and nationality law matters. [RR 2005, c. 2, §2 (COR).]

C. "Immigration and nationality law assistance" means assistance on an immigration and nationality law matter. [PL 2005, c. 629, §1 (NEW).]

D. "Immigration form" means a form created by the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor, the United States Department of State or other federal agency charged with implementing federal immigration and nationality laws for use in an immigration and nationality law matter. [PL 2005, c. 629, §1 (NEW).]

E. "Immigration and nationality law matter" means any application, proceeding, filing or other action before an agency of the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor or the United States Department of State or other federal agency charged with implementing federal immigration and nationality laws regarding the nonimmigrant, immigrant or citizenship status of or the admission to or removal from the United States of a person that arises from the application of a federal immigration and nationality law, executive order or presidential proclamation. [PL 2005, c. 629, §1 (NEW).]

F. "Nonlegal immigration and nationality law assistance" is limited to:

(1) Translating from English into a customer's primary language questions on an immigration form selected by the customer so that the customer can understand the questions and does not include advising the customer as to the appropriateness of the immigration form selected by the customer or suggesting which immigration form to use;

(2) Translating from a customer's primary language into English and otherwise transcribing to an immigration form the customer's answers to questions on that form and does not include advising the customer as to the appropriateness of the immigration form selected by the customer or suggesting which immigration form to use or as to the customer's answers on that immigration form;

(3) Securing or assisting the customer to secure supporting documents currently in existence, such as birth and marriage certificates, that may be needed for submission with immigration forms and does not include drafting of affidavits or other documents that may need to accompany immigration forms; and

(4) Making referrals for legal representation with respect to an immigration and nationality law matter to an attorney admitted to and in good standing before the bar of the State or to a federally authorized immigration representative duly authorized by federal law and regulations to undertake such representation. [PL 2005, c. 629, §1 (NEW).]

[RR 2005, c. 2, §2 (COR).]

3. Nonlegal immigration and nationality law assistance authorized. A person offering immigration and nationality law assistance may offer or provide only nonlegal immigration and nationality law assistance, except, however, that an attorney admitted to and in good standing before the bar of the State or a federally authorized immigration representative may provide immigration and nationality law assistance in the form of representation to the extent authorized by federal laws and regulations in immigration proceedings before agencies of the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor or the United States Department of State or other federal agency charged with carrying out the implementation of federal immigration and nationality laws.

Nothing in this section is intended to nor does it authorize either an attorney who is not admitted to and in good standing before the bar of the State or a federally authorized immigration representative to offer legal opinions or general legal advice regarding state laws or to represent another before any state court, administrative agency or other forum charged with interpreting or implementing state laws.
[PL 2005, c. 629, §1 (NEW).]

4. Prohibited activities. In the course of dealing with customers or prospective customers, a provider of immigration and nationality law assistance may not:

A. Make a statement that the provider of immigration and nationality law assistance can or will obtain special favors from or has special influence with an agency or a tribunal of the United States Government or of any state government; [PL 2005, c. 629, §1 (NEW).]

B. Retain compensation for services not performed; [PL 2005, c. 629, §1 (NEW).]

C. Refuse to return documents supplied by, prepared by, paid for by or obtained on behalf of the customer and requested by the customer, regardless of whether there is outstanding compensation owed to the provider of immigration and nationality law assistance by the customer or a fee dispute between the provider of immigration and nationality law assistance and the customer; [PL 2005, c. 629, §1 (NEW).]

D. Fail to complete and sign, in the space provided, an immigration form that requests the preparer's name, address, telephone number or signature, even if the provider of immigration and nationality law assistance has only provided nonlegal immigration and nationality law assistance in the preparation of the immigration form; [PL 2005, c. 629, §1 (NEW).]

E. Provide legal advice regarding immigration and nationality law matters, including selecting immigration forms for a customer or advising a customer as to the appropriateness of the forms the customer has selected or as to the customer's answers to the questions on the forms, unless the provider of immigration and nationality law assistance is an attorney admitted to and in good

standing before the bar of the State or is a federally authorized immigration representative; or [PL 2005, c. 629, §1 (NEW).]

F. Represent or advertise or provide notice in any way or manner, including, but not limited to, the assertion of a title or credential such as "notario," "immigration consultant," "immigration agent," "immigration assistant" or "attorney," that could cause a customer to believe that the provider of immigration and nationality law assistance is authorized to practice law in the State or possesses special skill or expertise in immigration and nationality law matters unless the provider is an attorney admitted to and in good standing before the bar of the State or is a federally authorized immigration representative. A federally authorized immigration representative whose principal place of business is in the State shall give verbal notice to customers that the federally authorized immigration representative is not an attorney admitted to the bar of the State and may not give general legal advice or representation under state law and shall also include language in any written advertisement, notice or contract for services that clearly conveys that the federally authorized immigration representative is not an attorney admitted to practice law in the State and may not give general legal advice or assistance under state law. [PL 2005, c. 629, §1 (NEW).]

[PL 2005, c. 629, §1 (NEW).]

5. Unfair method of competition or unfair and deceptive act or practice. A violation of this section substantially affects the public interest and constitutes an unfair method of competition and a deceptive act or practice in the conduct of trade or commerce for purposes of the Maine Unfair Trade Practices Act.

[PL 2005, c. 629, §1 (NEW).]

6. Civil violation. A violation of this section constitutes a civil violation for which a fine of not more than $5,000 may be adjudged.

[PL 2005, c. 629, §1 (NEW).]

7. Civil action. In addition to any other remedy that may be available, a customer who is aggrieved by a violation of this section may initiate a civil action in the Superior Court against the violator for injunctive relief or damages or both. If the court finds a violation of this section, the court may award to the customer:

A. An amount equal to actual damages sustained by the customer as a result of the violation; [PL 2005, c. 629, §1 (NEW).]

B. An amount equal to 3 times the actual damages; and [PL 2005, c. 629, §1 (NEW).]

C. The costs of the action together with reasonable attorney's fees as determined by the court. [PL 2005, c. 629, §1 (NEW).]

[PL 2005, c. 629, §1 (NEW).]

8. Attorney General action; report. Whenever the Attorney General has reason to believe that a person within the State has engaged in or is engaging in activities that violate this section, the Attorney General may initiate an action in the Superior Court to enforce this section. The Attorney General, by January 1, 2007, and every January 1st thereafter, shall submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the number and circumstances of all investigations that the Department of the Attorney General has initiated in the preceding year relating to violations of this section.

[PL 2005, c. 629, §1 (NEW).]

SECTION HISTORY

RR 2005, c. 2, §2 (COR). PL 2005, c. 629, §1 (NEW).

§808. Action for injunction

Upon the Attorney General's own information or upon complaint of any person, including any judge or any organized bar association in this State, the Attorney General may maintain an action for injunctive relief in the Superior Court against any person who renders, offers to render or professes to be rendering any service that constitutes the unauthorized practice of the law. Any organized bar association in this State may intervene in the action, at any stage of the proceeding, for good cause shown. [RR 2021, c. 1, Pt. B, §25 (COR).]

The action may be maintained by any organized bar association in this State. [PL 1965, c. 92, §2 (NEW).]

SECTION HISTORY

PL 1965, c. 92, §2 (NEW). RR 2021, c. 1, Pt. B, §25 (COR).

§809. Investigation by Attorney General

(REPEALED)

SECTION HISTORY

PL 1965, c. 92, §2 (NEW). PL 1977, c. 696, §27 (AMD). PL 2007, c. 597, §3 (RP).

§810. Remedies and procedures additional

The remedies and procedures provided in sections 808 to 811 are in addition to and not in substitution for other available remedies and procedures. [PL 1965, c. 92, §2 (NEW).]

SECTION HISTORY

PL 1965, c. 92, §2 (NEW).

§811. Person defined

"Person" means any individual, corporation, partnership or association. [PL 1965, c. 92, §2 (NEW).]

SECTION HISTORY

PL 1965, c. 92, §2 (NEW).

§812. Attorneys' Client Security Fund

(REPEALED)

SECTION HISTORY

PL 1991, c. 9, §E2 (NEW). PL 1991, c. 528, §E5 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E5 (RP).

SUBCHAPTER 2

REMOVAL AND RESIGNATION

§851. Information against attorney

Whenever an information is filed in the office of the clerk of courts in any county by the Attorney General, or by a committee of the State Bar Association, or by a committee of the bar or bar association of such county, charging that an attorney at law has conducted that attorney's self in a manner unworthy of an attorney, or has become and is disqualified for the office of attorney and counselor at law, for reasons specified in the information, any Justice of the Supreme Judicial Court may, in the name of the State, issue a rule requiring the attorney informed against to appear on a day fixed to show cause why that attorney's name should not be struck from the roll of attorneys, or such other disciplinary measures

imposed as the justice considers appropriate, which rule, with an attested copy of the information, must be served upon such attorney in such manner as the justice directs at least 14 days before the return day, and must be made returnable either in the county where such attorney resides or where it is charged that the misconduct was committed. [RR 2021, c. 1, Pt. B, §26 (COR).]

SECTION HISTORY

PL 1965, c. 309, §1 (AMD). RR 2021, c. 1, Pt. B, §26 (COR).

§852. Denial of charges; information to stand for hearing

If the attorney on whom such service has been made, on or before said return day files in the office of the clerk of courts in said county of return a denial of the charges specified in the information, the information shall thereupon stand upon the docket for hearing at such time and place as said justice shall order, upon such lawful evidence as may be produced either by the State or by the respondent.

§853. Proceedings on default or hearing

If such attorney fails to file that attorney's denial, the facts set forth in the information must be taken as confessed. If the justice finds that the facts so confessed are sufficient to disqualify the respondent from holding the office of attorney and counselor at law, or if, in case of denial, the justice upon hearing finds that any of the charges specified are true and that the acts proved are sufficient to disqualify the respondent, the justice shall give judgment accordingly, and shall enter a decree that the respondent be removed from the office of attorney and counselor at law in all the courts of the State and that the respondent's name be struck from the roll of attorneys. [RR 2021, c. 1, Pt. B, §27 (COR).]

If the justice upon the facts so confessed, or, in the case of denial, upon hearing, finds that any of the charges specified are true but that the acts proved are not sufficient to disqualify the respondent permanently from holding the office of attorney and counselor at law, the justice shall give judgment accordingly and may suspend such respondent from the practice of law for such period as the justice may consider appropriate, or impose such other disciplinary measures as the justice considers appropriate. [RR 2021, c. 1, Pt. B, §27 (COR).]

SECTION HISTORY

PL 1965, c. 309, §2 (AMD). RR 2021, c. 1, Pt. B, §27 (COR).

§854. Judgment final unless appealed

The judgment of such justice is final unless the respondent within one week files an appeal therefrom to the law court by entering the respondent's claim therefor upon the docket. [RR 2021, c. 1, Pt. B, §28 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §28 (COR).

§855. Appeals

The appeal must be heard upon printed copies of the case furnished by the respondent at the next law term. If the case is not argued, it must be decided upon the record, and if the respondent fails to enter an appeal with the printed copies of the case during the first 3 days of said law term, the counsel for the prosecution shall enter the appeal with an attested copy of the judgment and decree, whereupon the same must be affirmed by the law court. [RR 2021, c. 1, Pt. B, §29 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §29 (COR).

§856. Conduct of prosecution

The prosecution shall be conducted by the district attorney for the county where the rule is returnable, unless the justice issuing the rule appoints some other suitable counsel to perform said duty. Compulsory process shall issue to compel the attendance of witnesses, and in case of decree of removal, judgment shall be rendered in behalf of the State against the respondent for full costs to be taxed by the court. [PL 1973, c. 567, §20 (AMD).]

SECTION HISTORY

PL 1973, c. 567, §20 (AMD).

§857. Interpretation of provisions

Sections 851 to 856 do not annul or restrict any authority hitherto possessed or exercised by the courts over attorneys.

§858. Resignation and reinstatement of attorneys

Any member of the bar of this State may resign from the office of attorney and counselor at law by submitting that member's resignation to any Justice of the Supreme Judicial Court, who may or may not, in that justice's discretion, in the name of the State of Maine accept such resignation and order that such attorney's name be stricken from the roll of attorneys of the State. A person whose resignation from the office of attorney and counselor at law has been accepted by a Justice of the Supreme Judicial Court may not be readmitted to the practice of law in any of the courts of the State or entitled to practice law within this State unless and until that person has been reinstated as an attorney and counselor at law by a Justice of the Supreme Judicial Court. The procedure for such reinstatement must be the same as in the case of attorneys who have been disbarred. [RR 2021, c. 1, Pt. B, §30 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §30 (COR).

§859. False advertising or representation to be an attorney

If a person who has not been admitted to practice law in this State or whose name has been struck from the roll of attorneys advertises as or represents that person to be an attorney or counselor at law, that person is guilty of a Class E crime. [RR 2021, c. 1, Pt. B, §31 (COR).]

SECTION HISTORY

PL 1977, c. 696, §28 (RPR). RR 2021, c. 1, Pt. B, §31 (COR).

§860. Management of causes by parties or counsel

Parties may plead and manage their own causes in court or do so by the aid of such counsel as they see fit to employ. No person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other party or be eligible for appointment as a notary public. [PL 1981, c. 456, Pt. A, §6 (AMD).]

SECTION HISTORY

PL 1981, c. 456, §A6 (AMD).

SUBCHAPTER 3

CENTRAL REGISTER

§901. Establishment and maintenance

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§902. Preparation

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§903. Revision

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§904. Register as evidence

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§905. Certificates

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

CHAPTER 18

PARALEGALS AND LEGAL ASSISTANTS

§921. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 379, §1 (NEW).]

1. Paralegal and legal assistant. "Paralegal" and "legal assistant" mean a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which an attorney is responsible.
[PL 1999, c. 379, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 379, §1 (NEW).

§922. Restriction on use of titles

1. Prohibition. A person may not use the title "paralegal" or "legal assistant" unless the person meets the definition in section 921, subsection 1.
[PL 1999, c. 379, §1 (NEW).]

2. Penalty. A person who violates subsection 1 commits a civil violation for which a forfeiture of not more than $1000 may be adjudged.
[PL 1999, c. 379, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 379, §1 (NEW).

CHAPTER 19

NOTARIES PUBLIC

(REPEALED)

§951. Seal; authority to administer oaths

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A7 (AMD). PL 1989, c. 501, §L1 (AMD). PL 1989, c. 600, §A1 (AMD). PL 1991, c. 465, §3 (AMD). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§951-A. Commission signature

(REPEALED)

SECTION HISTORY

PL 2009, c. 74, §1 (NEW). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§952. Protests of losses; record and copies

(REPEALED)

SECTION HISTORY

RR 2021, c. 1, Pt. B, §32 (COR). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§953. Demand and notice on bills and notes

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A8 (AMD). RR 2021, c. 1, Pt. B, §33 (COR). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§954. Acts of notary who is interested in corporation

(REPEALED)

SECTION HISTORY

RR 2021, c. 1, Pt. B, §34 (COR). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§954-A. Conflict of interest

(REPEALED)

SECTION HISTORY

PL 1987, c. 573, §1 (NEW). PL 1989, c. 137 (AMD). RR 1997, c. 2, §6 (COR). PL 1999, c. 425, §1 (AMD). PL 2017, c. 418, §1 (AMD). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§955. Copies; evidence

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A9 (AMD). RR 2021, c. 1, Pt. B, §35 (COR). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§955-A. Removal from office

(REPEALED)

SECTION HISTORY

PL 1965, c. 74 (NEW). PL 1975, c. 771, §22 (AMD). PL 1977, c. 694, §§3,4 (AMD). PL 1981, c. 456, §A10 (AMD). PL 1987, c. 573, §2 (RPR). PL 1997, c. 712, §1 (RP).

§955-B. Maintenance of records

(REPEALED)

SECTION HISTORY

PL 1987, c. 573, §3 (NEW). PL 1991, c. 465, §4 (AMD). PL 1993, c. 485, §1 (AMD). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§955-C. Disciplinary action; grounds; procedure; complaints

(REPEALED)

SECTION HISTORY

PL 1997, c. 712, §2 (NEW). PL 2005, c. 629, §2 (AMD). PL 2017, c. 277, §§1-3 (AMD). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§956. Resignation or removal; deposit of records

(REPEALED)

SECTION HISTORY

PL 1993, c. 485, §2 (AMD). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§957. Injury or concealment of records

(REPEALED)

SECTION HISTORY

PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§958. Fees for protest and appropriation of penalties

(REPEALED)

SECTION HISTORY

RR 2021, c. 1, Pt. B, §36 (COR). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§959. Grandfather clause; seal; records

(REPEALED)

SECTION HISTORY

PL 1991, c. 465, §5 (NEW). PL 1999, c. 425, §2 (RP).

§960. Advertisement of services

(REPEALED)

SECTION HISTORY

PL 2005, c. 629, §3 (NEW). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§961. Continuation of temporary modification of certain in-person notarization and acknowledgement requirements

(REPEALED)

SECTION HISTORY

PL 2021, c. 337, §1 (NEW). PL 2021, c. 651, Pt. A, §1 (RP). PL 2021, c. 651, Pt. A, §8 (AFF). PL 2021, c. 651, Pt. C, §§1, 2 (AMD).

CHAPTER 21

JUSTICES OF THE PEACE

(REPEALED)

§1001. Exercise of powers and duties; commission

(REPEALED)

SECTION HISTORY

PL 1981, c. 456, §A11 (RP).

CHAPTER 22

UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT

(REPEALED)

§1011. Recognition of notarial acts performed outside this State

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). RR 2021, c. 1, Pt. B, §37 (COR). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1012. Authentication of authority of officer

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). RR 2021, c. 1, Pt. B, §38 (COR). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1013. Certificate of person taking acknowledgment

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). RR 2021, c. 1, Pt. B, §39 (COR). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1014. Recognition of certificate of acknowledgment

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1014-A. Presumption of compliance

(REPEALED)

SECTION HISTORY

PL 1977, c. 696, §29 (NEW). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1015. Certificate of acknowledgment

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). RR 2021, c. 1, Pt. B, §§40, 41 (COR). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1016. Short forms of acknowledgment

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). RR 2021, c. 1, Pt. B, §42 (COR). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1017. Acknowledgments not affected by this Act

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). PL 1973, c. 625, §14 (AMD). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1018. Uniformity of interpretation

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1019. Short title

(REPEALED)

SECTION HISTORY

PL 1969, c. 364 (NEW). PL 2021, c. 651, Pt. A, §2 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

CHAPTER 23

MISCELLANEOUS PROVISIONS

§1051. Legal holidays

Court may not be held on Sunday or any day designated for the annual Thanksgiving; New Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in

May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; Juneteenth, June 19th; the 4th of July; Labor Day, the first Monday of September; Indigenous Peoples Day, the 2nd Monday in October; Veterans Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when the Chief Justice finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following must be observed as a holiday, with all the privileges applying to any of the days named in this section. [PL 2021, c. 676, Pt. A, §2 (RPR).]

SECTION HISTORY

PL 1969, c. 236, §1 (AMD). PL 1973, c. 114, §2 (AMD). PL 1973, c. 328, §1 (AMD). PL 1973, c. 788, §9 (AMD). PL 1975, c. 418, §1 (AMD). PL 1975, c. 623, §§3-G,3-H (AMD). PL 1979, c. 541, §A15 (AMD). PL 1979, c. 701, §1 (AMD). PL 1981, c. 202 (AMD). PL 1985, c. 50 (AMD). PL 1985, c. 114, §1 (AMD). PL 1985, c. 737, §A13 (RPR). PL 1985, c. 787, §2 (RPR). PL 1985, c. 819, §A1 (RPR). PL 2019, c. 59, §1 (AMD). PL 2019, c. 475, §49 (AMD). PL 2021, c. 140, §1 (RPR). PL 2021, c. 293, Pt. A, §1 (RPR). PL 2021, c. 676, Pt. A, §2 (RPR).

§1052. Crier in the courts

(REPEALED)

SECTION HISTORY

PL 1977, c. 114, §14 (RP).

§1053. Adjournment because of danger from infection

When a malignant infectious distemper prevails in any town wherein the Supreme Judicial Court, the Superior Court or court of county commissioners is to be held, said courts may be adjourned and held in any town in said county, by proclamation made in such public manner as such courts judge best, as near their usual place of meeting as they think that safety permits.

§1054. Surety bonds authorized in civil and criminal cases

In any civil or criminal action or mesne process or other process when a bail bond, recognizance or personal sureties or other obligation is required, or whenever any person is arrested and is required or permitted to recognize with sureties for that person's appearance in court, the court official or other authority authorized by law to accept and approve the same shall accept and approve in lieu thereof, when offered, a good and sufficient surety bond duly executed by a surety company authorized to do business in this State. [RR 2021, c. 1, Pt. B, §43 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §43 (COR).

§1055. Death or disability of presiding justice

(REPEALED)

SECTION HISTORY

PL 1965, c. 356, §8 (RP).

§1056. Powers of attorneys

(REPEALED)

SECTION HISTORY

PL 1967, c. 206 (NEW). PL 1981, c. 456, §A12 (AMD). PL 2021, c. 651, Pt. A, §3 (RP). PL 2021, c. 651, Pt. A, §8 (AFF).

§1057. Government Operations Surcharge Fund

1. Fund established. There is established a fund to be known as the Government Operations Surcharge Fund. This fund must be maintained by the Treasurer of State for the purposes of reimbursing counties for costs associated with operations of the jail system and, until January 1, 2001, for funding infrastructure improvements to the Maine Criminal Justice Information System described in Title 16, section 631 and for funding the operation of the Judicial Department's computer system.
[PL 1995, c. 668, §1 (AMD).]

2. Surcharge imposed.
[PL 1995, c. 668, §1 (AMD); MRSA T. 4 §1057, sub-§2 (RP).]

2-A. Surcharge imposed. Surcharges of 14% and 5% must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, are considered a part of the fine, forfeiture or penalty. The 14% surcharge collected as a result of this subsection must be deposited monthly in the Government Operations Surcharge Fund and the 5% surcharge collected as a result of this subsection must be deposited directly into the General Fund. Three fourteenths of the surcharge collected and deposited in the Government Operations Surcharge Fund must be paid to the Maine Criminal Justice Academy to supplement current funds for training and recertification of part-time and full-time law enforcement officers. One fourteenth of the surcharge collected and deposited in the Government Operations Surcharge Fund must be paid to the State Police to supplement current funds for computer crimes investigations.
[PL 2005, c. 676, §1 (AMD).]

3. Reimbursement to counties.
[PL 2007, c. 653, Pt. A, §1 (AMD); MRSA T. 4 §1057, sub-§3 (RP).]

3-A. Reimbursement to counties. Monthly, the Treasurer of State shall transfer funds from the Government Operations Surcharge Fund to the County Jail Operations Fund program for the purpose of supporting the operation of the jails in an amount equal to 2% of the total fines, forfeitures and penalties, including the surcharge imposed pursuant to subsection 2-A, received by the Treasurer of State for deposit in the Government Operations Surcharge Fund. The balance remaining in the Government Operations Surcharge Fund at the end of each month must accrue to the General Fund. Funds collected and deposited each month to the Government Operations Surcharge Fund must be transferred on the last day of the month in which the collections are made to the County Jail Operations Fund program.

At the close of each month, the State Controller shall calculate the amount to be transferred to the County Jail Operations Fund program based on the collections made during the month. The State Controller shall transfer by journal entry the amount due to the County Jail Operations Fund program.
[PL 2015, c. 335, §2 (AMD).]

4. Payment for infrastructure improvements to the Maine Criminal Justice Information System and for operation of the Judicial Department's computer system.
[PL 1995, c. 668, §1 (NEW); MRSA T. 4 §1057, sub-§4 (RP).]

SECTION HISTORY

PL 1987, c. 339, §3 (NEW). PL 1987, c. 861, §5 (AMD). PL 1991, c. 303, §1 (AMD). PL 1991, c. 733, §3 (AMD). PL 1995, c. 668, §1 (AMD). PL 1997, c. 395, §O1 (AMD). PL 2003, c. 20, §R3 (AMD). PL 2003, c. 673, §§TT1,2 (AMD). PL 2005, c. 676, §1 (AMD). PL 2007, c. 653, Pt. A, §§1, 2 (AMD). PL 2009, c. 213, Pt. GGG, §1 (AMD). PL 2009, c. 213, Pt. GGG, §7 (AFF). PL 2013, c. 598, §1 (AMD). PL 2015, c. 335, §2 (AMD).

§1057-A. Maine Community Policing Institute Surcharge Fund

(REPEALED)

SECTION HISTORY

PL 1999, c. 357, §3 (NEW). PL 2001, c. 51, §1 (AMD). PL 2001, c. 617, §3 (AMD). PL 2001, c. 698, §3 (AMD). PL 2001, c. 698, §7 (AFF). PL 2003, c. 20, §R4 (RP).

§1058. Prisoner application to proceed in forma pauperis

1. Prepayment of filing fee and certified copies required. A person who is confined in a federal, state, county or local correctional or detention facility may not bring a civil action arising under federal or state law in any court in this State with respect to a condition of that person's confinement or the effect of an action or inaction by a government official on the life of that person confined and may not appeal a judgment in such a civil action without prepayment of the filing fee unless, in addition to the in forma pauperis application and affidavit required by the Maine Rules of Civil Procedure, Rule 91, that person submits a certified copy of the general client account statement for that person for the 6-month period immediately preceding the filing of the action or appeal, obtained from the appropriate official of each facility at which that person is or was confined.
[PL 2005, c. 506, §1 (AMD).]

2. Waiver of prepayment of filing fee. If the court finds that the action or appeal is not frivolous and has been brought in good faith and that the person is without sufficient funds to pay the filing fee, it shall order that prepayment of the full amount of the filing fee be waived. If the court denies the in forma pauperis application, the action or appeal must be dismissed without prejudice, unless within 7 days after the denial the person pays the filing fee to the clerk of the court.
[PL 1997, c. 75, §1 (NEW).]

3. Full payment of filing fee required; initial partial filing fee. Notwithstanding subsection 2, the person shall pay the full amount of the filing fee. The court shall assess the person's financial status and, when funds exist, collect as a partial payment of the filing fee an initial partial filing fee of 20% of the greater of:

A. The average monthly deposits to the general client account credited to the person for the 6-month period immediately preceding the filing of the action or appeal; or [PL 2005, c. 506, §1 (AMD).]

B. The average monthly balance in the general client account for the person for the 6-month period immediately preceding the filing of the action or appeal. [PL 2005, c. 506, §1 (AMD).]
[PL 2005, c. 506, §1 (AMD).]

4. Payments from account. After payment of the initial partial filing fee, the person shall make monthly payments of 20% of the preceding month's deposits to the general client account credited to the person. The facility having custody of the person shall forward monthly payments from the account to the clerk of the court each time the amount in the account for the person exceeds $10 until the filing fee is paid in full.
[PL 2005, c. 506, §1 (AMD).]

5. Restrictions on filing fee. The filing fee collected may not exceed the amount of the fee permitted by law for the commencement of a civil action or an appeal of a civil action. A person may not be prohibited from bringing a civil action or appealing a civil action if the court finds that the action or appeal is not frivolous and has been brought in good faith and that the person has no assets and no means by which to pay the initial partial filing fee.
[PL 1997, c. 75, §1 (NEW).]

6. Payment of outstanding restitution orders. Any compensatory damages awarded to a person in connection with a civil action brought with respect to a condition of the person's confinement or the effect of an action or inaction by a government official on the life of the person confined must be paid directly to satisfy any outstanding restitution orders pending against the person, whether as the result

of court proceedings or facility disciplinary proceedings. The remainder of any such award, after full payment of all pending restitution orders, must be forwarded to the person.
[PL 1997, c. 75, §1 (NEW).]

7. Notification to victim. Prior to payment of any compensatory damages awarded to a person in connection with a civil action brought with respect to a condition of the person's confinement or the effect of an action or inaction by a government official on the life of the person confined, reasonable efforts must be made to notify the victims of the crime for which the person was confined concerning the pending payment of any such compensatory damages.
[PL 1997, c. 75, §1 (NEW).]

8. Civil liability. Neither the failure to perform the requirements of this section nor compliance with this section subjects the Commissioner of Corrections, the Department of Corrections, the county jail, the employees or officers of the department or jail or the attorney representing any of them to liability in a civil action.
[PL 1997, c. 75, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 75, §1 (NEW). PL 2005, c. 506, §1 (AMD).

§1059. Fines; tribal law enforcement activities

1. Civil and criminal fines. Except as provided in subsection 2, a fine for a civil violation, traffic infraction or Class D or Class E crime imposed for a violation of any tribal or state law must be remitted to the Passamaquoddy Tribe or the Penobscot Nation, as appropriate, when a tribal law enforcement agency issued the ticket, complaint, summons or warrant or made the arrest related to the violation.
[PL 2009, c. 417, §1 (NEW).]

2. Exception; environmental violations. A fine imposed by a state court for a violation of Title 38 within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation may not be remitted to the Passamaquoddy Tribe or the Penobscot Nation. In addition to those costs awarded to the State pursuant to Title 14, section 1522, subsection 1, the court may award to the Passamaquoddy Tribe or the Penobscot Nation costs associated with investigating and otherwise contributing to any enforcement action for a violation of Title 38.
[PL 2009, c. 417, §1 (NEW).]

3. Repeal.
[PL 2011, c. 426, §1 (RP).]

SECTION HISTORY

PL 2009, c. 417, §1 (NEW). PL 2011, c. 426, §1 (AMD).

CHAPTER 25

ADMINISTRATIVE COURT

(REPEALED)

§1151. Administrative Court

(REPEALED)

SECTION HISTORY

PL 1977, c. 551, §1 (NEW). PL 1977, c. 694, §5 (AMD). PL 1979, c. 265, §1 (AMD). PL 1979, c. 544, §8 (AMD). PL 1981, c. 698, §5 (AMD). PL 1983, c. 171, §§1,2 (AMD). PL 1983, c. 853,

§§C14,18 (AMD). PL 1985, c. 748, §§1,2 (AMD). PL 1985, c. 771, §1 (AMD). PL 1987, c. 85, §1 (AMD). PL 1987, c. 141, §B1 (AMD). PL 1987, c. 395, §A15 (AMD). PL 1987, c. 402, §A9 (AMD). PL 1987, c. 595, §1 (AMD). PL 1987, c. 769, §A7 (AMD). PL 1989, c. 502, §A9 (AMD). PL 1991, c. 377, §2 (AMD). PL 1991, c. 563, §1 (AMD). PL 1991, c. 824, §B1 (AMD). RR 1993, c. 1, §3 (COR). PL 1995, c. 65, §A6 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1997, c. 643, §M11 (AMD). PL 1999, c. 547, §A3 (AMD). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

§1152. Procedure in contested cases

(REPEALED)

SECTION HISTORY

PL 1977, c. 551, §1 (NEW). PL 1977, c. 694, §§6-9 (AMD). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

§1153. Emergency proceedings

(REPEALED)

SECTION HISTORY

PL 1977, c. 551, §1 (NEW). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

§1154. Subpoenas by Administrative Court

(REPEALED)

SECTION HISTORY

PL 1977, c. 551, §1 (NEW). PL 1977, c. 694, §10 (AMD). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

§1155. Decisions

(REPEALED)

SECTION HISTORY

PL 1977, c. 551, §1 (NEW). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

§1156. Fines

(REPEALED)

SECTION HISTORY

PL 1977, c. 551, §1 (NEW). PL 1987, c. 339, §4 (AMD). PL 1991, c. 303, §2 (AMD). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

§1157. Judicial review

(REPEALED)

SECTION HISTORY

PL 1977, c. 551, §1 (NEW). PL 1977, c. 694, §11 (AMD). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

§1158. Judge of Administrative Court assigned to sit in District Court

(REPEALED)

SECTION HISTORY

PL 1979, c. 12, §3 (NEW). PL 1987, c. 85, §2 (AMD). PL 1999, c. 547, §B12 (RP). PL 1999, c. 547, §B80 (AFF).

CHAPTER 27

JUDICIAL RETIREMENT ON OR AFTER DECEMBER 1, 1984

SUBCHAPTER 1

GENERAL PROVISIONS

§1201. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

1. Accumulated contributions. "Accumulated contributions" means the sum of all the amounts credited to a member's individual account, together with regular interest thereon.
[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

2. Actuarial equivalent. "Actuarial equivalent" means an amount of equal value when computed at the discount rate contained in actuarial assumptions adopted by the board of trustees.
[PL 2021, c. 548, §2 (AMD).]

3. Average final compensation. "Average final compensation" means:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as a judge, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest; or [PL 1989, c. 133, §15 (NEW).]

B. The average annualized rate of earnable compensation of a member during the entire period of creditable service if that period is less than 3 years. [PL 1989, c. 133, §15 (NEW).]

If a member took one or more days off without pay during the fiscal year beginning July 1, 2002, as authorized by the State Court Administrator, and the member elects to make the contribution provided for in section 1306, the average final compensation must be determined as if the member had not taken those days off without pay.
[PL 2003, c. 486, §1 (AMD).]

4. Beneficiary. "Beneficiary" means any person who receives or is designated to receive a benefit provided by this chapter.
[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

5. Board of trustees. "Board of trustees" means the board provided for in section 1231.
[PL 1983, c. 863, Pt. B, §§ 8, 45 (AMD).]

6. Child or children.
[PL 1989, c. 133, §16 (RP).]

6-A. Dependent child. "Dependent child" means:

A. Any unmarried, natural or legally adopted, born or unborn member's progeny, who is:

(1) Under 18 years of age; or

(2) Under 22 years of age and a full-time student; or [PL 1989, c. 133, §17 (NEW).]

B. Regardless of age or marital status, any other progeny certified by an independent health care provider or the medical review service provider to be permanently mentally incompetent or permanently physically incapacitated and determined by the executive director to be unable to engage in any substantially gainful employment. [PL 2021, c. 277, §3 (AMD); PL 2021, c. 277, §45 (AFF).]

[PL 2021, c. 277, §3 (AMD); PL 2021, c. 277, §45 (AFF).]

7. Consumer Price Index. "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, CPI-U, as compiled by the United States Department of Labor, Bureau of Labor Statistics; or, if the index is revised or superseded, the board shall employ the Consumer Price Index compiled by the Bureau of Labor Statistics, United States Department of Labor that the board of trustees finds to be most reflective of changes in the purchasing power of the dollar for the broadest population of consumers, including retired consumers.
[PL 2003, c. 387, §1 (AMD).]

8. Creditable service. "Creditable service" means membership service and prior service as a judge which is credited towards retirement in accordance with subchapter IV.
[PL 1983, c. 863, Pt. B, §§ 8, 45 (AMD).]

8-A. Duly acknowledged. "Duly acknowledged" means acknowledged pursuant to chapter 39 or through an electronic identification process designated in a rule established by the board of trustees.
[PL 2025, c. 221, §2 (NEW).]

9. Earnable compensation. "Earnable compensation" means the annual salary as a judge. Any money paid by the State under an annuity contract for the future benefit of a judge must be considered part of the judge's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 1353 must be assumed, for the purposes of determining benefits under this chapter, to be continued after the member's date of termination of service at the same rate as received immediately prior thereto, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1358. For a member who served as a judge any time between July 1, 2003 and June 30, 2005, earnable compensation includes the salary that would have been paid for a judge in the given year if the cost-of-living adjustments in fiscal year 2003-04 and fiscal year 2004-05 had been funded. For a member who served as a judge any time between July 1, 2010 and June 30, 2011, earnable compensation includes the salary that would have been paid for a judge in that year if the cost-of-living adjustment in fiscal year 2010-11 had been funded.
[PL 2009, c. 571, Pt. MMMM, §1 (AMD); PL 2009, c. 571, Pt. MMMM, §3 (AFF).]

10. Father.
[PL 1989, c. 133, §18 (RP).]

10-A. Health care provider. "Health care provider" means an appropriately licensed, certified or registered provider of mental or physical health care, in either the public or private sector.
[PL 2021, c. 277, §4 (NEW); PL 2021, c. 277, §45 (AFF).]

11. Fiduciary. "Fiduciary" means a bank or a professional investment manager.
[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

11-A. Internal Revenue Code. "Internal Revenue Code" or "Code" means the United States Internal Revenue Code of 1986, as amended.
[PL 2009, c. 474, §6 (NEW).]

12. Judge. "Judge" means a Justice of the Supreme Judicial Court or the Superior Court, any Judge of the District Court, any Administrative Court Judge or any Associate Administrative Court Judge who is actively serving as of December 1, 1984, or who is appointed subsequent to December 1, 1984, but does not include Active Retired Judges.
[PL 2001, c. 12, §1 (AMD).]

12-A. Medical provider.
[PL 2021, c. 277, §5 (RP); PL 2021, c. 277, §45 (AFF).]

12-B. Medical review service provider. "Medical review service provider" means an entity with whom the executive director has contracted for the review of medical records and the provision of recommendations, opinions and certifications under this chapter by health care providers employed by the entity.
[PL 2021, c. 277, §6 (NEW); PL 2021, c. 277, §45 (AFF).]

13. Member. "Member" means a judge who is included in the membership of the Maine Judicial Retirement System as provided in section 1301.
[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

14. Membership service. "Membership service" means service rendered while a member of the Maine Judicial Retirement System for which credit is allowed under section 1302.
[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

15. Mother.
[PL 1989, c. 133, §18 (RP).]

16. Parent.
[PL 1989, c. 133, §18 (RP).]

16-A. Prior service. "Prior service" means all service before December 1, 1984, as a judge.
[PL 1983, c. 863, Pt. B, §§ 9, 45 (NEW).]

17. Regular interest. "Regular interest" means interest at the rate which the Board of Trustees of the Maine Public Employees Retirement System sets from time to time, in accordance with Title 5, section 17156.
[PL 1989, c. 502, Pt. A, §10 (AMD); PL 2007, c. 58, §3 (REV).]

18. Retirement. "Retirement" means the termination of membership service with a retirement allowance granted under this chapter.
[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

19. Spouse. "Spouse" means the person currently legally married to a member.
[PL 1989, c. 133, §19 (AMD).]

19-A. Survive or surviving. "Survive" or "surviving" means to live, by clear and convincing evidence, for at least 120 hours after the death of the qualifying member or family member, as applicable.
[PL 2025, c. 221, §3 (NEW).]

20. Surviving spouse. "Surviving spouse" means the spouse who survives the death of the member or former member.
[PL 2025, c. 221, §4 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B8,9,10,B45 (AMD). PL 1989, c. 133, §§15-20 (AMD). PL 1989, c. 502, §A10 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 12, §1 (AMD). PL 2003, c. 387, §1 (AMD). PL 2003, c. 486, §1 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 449, §1 (AMD). PL 2007, c. 449, §3 (AFF). PL 2009, c. 254, §1 (AMD). PL 2009, c. 254, §4 (AFF). PL 2009, c. 474, §6 (AMD). PL 2009, c. 571, Pt. MMMM, §1 (AMD). PL 2009, c. 571, Pt. MMMM, §3 (AFF). PL 2017, c. 88, §4 (AMD). PL 2021, c. 277, §§3-6 (AMD). PL 2021, c. 277, §45 (AFF). PL 2021, c. 548, §2 (AMD). PL 2025, c. 221, §§2-4 (AMD).

§1202. Name, establishment and purpose

There is established the Judicial Retirement Program as a governmental qualified defined benefit plan pursuant to Sections 401(a) and 414(d) of the Internal Revenue Code and such other provisions of

the Internal Revenue Code and United States Treasury regulations and other guidance as are applicable, which has the powers and privileges of a corporation. [PL 2009, c. 474, §7 (AMD).]

The purpose of the Judicial Retirement Program is to provide retirement allowances and other benefits under this chapter for judges. [PL 2007, c. 491, §34 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2007, c. 491, §34 (AMD). PL 2009, c. 474, §7 (AMD).

§1203. Legal process and assignment

The right of a person to a retirement allowance, the retirement allowance itself, the refund of a person's accumulated contributions, any death benefit, any other right accrued or accruing to a person under this chapter and the money in the various funds created by this chapter are not subject to execution, garnishment, attachment or any other process and are unassignable except that: [PL 1991, c. 746, §2 (RPR); PL 1991, c. 746, §10 (AFF).]

1. Retirement allowance available for child support. A member's retirement allowance is available to satisfy a child support obligation that is otherwise enforceable by execution, garnishment, attachment, assignment or other process;
[PL 1991, c. 746, §2 (NEW); PL 1991, c. 746, §10 (AFF).]

2. Accumulated contributions available for child support. A member's accumulated contributions that are refundable under sections 1305-A and 1305-B are available to satisfy a child support obligation that is otherwise enforceable by execution, garnishment, attachment, assignment or other process;
[PL 2011, c. 606, §5 (AMD).]

3. Qualified domestic relations order. The rights and benefits of a member or retiree under this chapter are subject to the rights of or assignment to an alternate payee, as defined in Title 5, section 17001, subsection 3-B, under a qualified domestic relations order in accordance with Title 5, section 17059; and
[PL 2011, c. 606, §6 (AMD).]

4. Forfeiture and restitution. The rights and benefits of a member or retiree under this chapter are subject to forfeiture or assignment to the member's spouse, dependent or former spouse in accordance with the provisions of Title 5, section 17062.
[PL 2011, c. 606, §7 (NEW).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B11,B45 (AMD). PL 1991, c. 746, §2 (RPR). PL 1991, c. 746, §10 (AFF). PL 2007, c. 137, §5 (AMD). PL 2011, c. 606, §§5-7 (AMD).

§1204. Beneficiaries under disability

Any beneficiary who is entitled to make an election of benefits under subchapter 5, but is not lawfully qualified to make that election, shall have that election made in the beneficiary's behalf by the person authorized to do so by Title 18-C, Article 5. [PL 2017, c. 402, Pt. C, §7 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2017, c. 402, Pt. C, §7 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§1205. Internal Revenue Code compliance

The Judicial Retirement Program established in this chapter is subject to the following requirements. [PL 2009, c. 474, §8 (NEW).]

1. Vesting. In compliance with the Code, Section 401(a)(7), a member is 100% vested in the member's contribution account at all times.
[PL 2009, c. 474, §8 (NEW).]

2. Use of forfeitures of benefits. In compliance with the Code, Section 401(a)(8), any forfeitures of benefits by members or former members may not be used to pay benefit increases, but must be used to reduce unfunded liabilities.
[PL 2009, c. 474, §8 (NEW).]

3. Benefits. In compliance with the Code, Section 401(a)(9), benefits must be paid in accordance with a good faith interpretation of the requirements of the Code, Section 401(a)(9) and the regulations in effect under that section, as applicable to a governmental plan within the meaning of the Code, Section 414(d).
[PL 2009, c. 474, §8 (NEW).]

4. Application of annual compensation limits. In compliance with the Code, Section 401(a)(17), applicable annual compensation limits must be applied for purposes of determining benefits or contributions due to the Maine Public Employees Retirement System.
[PL 2009, c. 474, §8 (NEW).]

5. Rollovers. In compliance with the Code, Section 401(a)(31), a member may elect, at the time and in the manner prescribed by the board of trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover.
[PL 2009, c. 474, §8 (NEW).]

6. Qualified military service. Effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service are governed by the Code, Section 414(u) and the federal Uniformed Services Employment and Reemployment Rights Act of 1994 and, effective January 1, 2007, the Code, Section 401(a)(37).
[PL 2009, c. 474, §8 (NEW).]

7. Additional requirements. In compliance with the Code, Section 415, the member contributions paid to and retirement benefits paid from the Judicial Retirement Program must be limited to the extent necessary to conform to the requirements of the Code, Section 415 for a qualified pension plan.
[PL 2009, c. 474, §8 (NEW).]

8. Compliance with Section 503(b). Effective July 1, 1989, the board of trustees may not engage in a transaction prohibited by the Code, Section 503(b).
[PL 2009, c. 474, §8 (NEW).]

9. Rules. The board of trustees shall adopt rules necessary to maintain the qualified pension plan tax status of the Judicial Retirement Program under the Internal Revenue Code as required for governmental defined benefit plans defined in the Code, Section 414(d). Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2009, c. 474, §8 (NEW).]

SECTION HISTORY

PL 2009, c. 474, §8 (NEW).

SUBCHAPTER 2

ADMINISTRATION

§1231. Board of trustees

The Board of Trustees of the Judicial Retirement Program consists of those persons who are members of the Board of Trustees of the Maine Public Employees Retirement System. The Board of Trustees of the Judicial Retirement Program is responsible for the proper operation and implementation of the Judicial Retirement Program under this chapter. [PL 2007, c. 491, §35 (AMD).]

1. Duties. The board of trustees has the same duties with respect to the Judicial Retirement Program as with other programs of the Maine Public Employees Retirement System, including, but not limited to, those powers and duties enumerated in Title 5, chapter 421, subchapters 3, 4 and 5.
[PL 2007, c. 491, §35 (AMD).]

2. Administration of Judicial Retirement Program. The board of trustees shall administer the Judicial Retirement Program and is authorized to adopt and publish, in accordance with Title 5, chapter 375, subchapter 2, any rules necessary and proper to give effect to the intent, purposes and provisions of this chapter.
[PL 2007, c. 491, §35 (AMD).]

3. Expenses. The trustees must be compensated, as provided in Title 5, chapter 379, from the funds of the Judicial Retirement Program.
[PL 2007, c. 491, §35 (AMD).]

4. Oath. Each trustee shall, within 30 days after that trustee's appointment, take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine. The oath must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.
[PL 2001, c. 181, §2 (AMD).]

5. Quorum. Each voting trustee is entitled to one vote in the board of trustees. Five trustees constitute a quorum for the transaction of any business. Five votes are necessary for any resolution or action by the board of trustees at any meeting of the board of trustees.
[PL 2007, c. 491, §35 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B12,13,B45 (AMD). PL 1989, c. 133, §21 (AMD). PL 1999, c. 127, §A1 (AMD). PL 1999, c. 790, §D4 (AMD). PL 2001, c. 181, §2 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §35 (AMD).

§1232. Executive director

The Chief Executive Officer of the Maine Public Employees Retirement System is the Executive Director of the Judicial Retirement Program. The executive director has the same powers and duties with respect to the Judicial Retirement Program as with other programs of the Maine Public Employees Retirement System, except as provided in this chapter. [PL 2007, c. 491, §36 (AMD); PL 2021, c. 548, §45 (REV).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §36 (AMD). PL 2021, c. 548, §45 (REV).

§1233. Actuary

The actuary of the other programs of the Maine Public Employees Retirement System is the Actuary of the Judicial Retirement Program. [PL 2007, c. 491, §37 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §37 (AMD).

§1234. Medical review of disability

The board of trustees may designate health care providers to provide medical consultation on judicial disability cases. [PL 2021, c. 277, §7 (AMD); PL 2021, c. 277, §45 (AFF).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B14,B45 (AMD). PL 1995, c. 643, §2 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §38 (AMD). PL 2017, c. 88, §5 (AMD). PL 2021, c. 277, §7 (AMD). PL 2021, c. 277, §45 (AFF).

§1235. Administrative procedures

Appeal from the executive director's decision is the same as provided for other programs of the Maine Public Employees Retirement System in Title 5, section 17451. [PL 2007, c. 491, §39 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1989, c. 133, §22 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §39 (AMD).

§1236. Legal adviser

The Attorney General or an assistant designated by the Attorney General is the legal adviser of the Board of Trustees of the Judicial Retirement Program. [PL 2007, c. 491, §40 (AMD).]

SECTION HISTORY

PL 1983, c. 863, §§B15,B45 (NEW). PL 2007, c. 491, §40 (AMD).

SUBCHAPTER 3

FINANCING

§1251. Control of funds

The board of trustees is the trustee of the funds created by this chapter and shall administer those funds in the same manner as is provided for the administration of the other program funds of the Maine Public Employees Retirement System in accordance with Title 5, chapter 421, subchapters 3 and 4. The board of trustees may establish separate funds or accounts within a fund, as necessary. [PL 2007, c. 491, §41 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1989, c. 133, §23 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §41 (AMD).

§1252. Custodian of funds

(REPEALED)

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2007, c. 249, §7 (RP).

§1253. Expenses

All administrative operating expenses of the Judicial Retirement Program must be charged to the assets of the Judicial Retirement Program. [PL 2007, c. 491, §42 (AMD).]

1. Estimate funds biennially.
[PL 2007, c. 240, Pt. U, §3 (RP).]

2. Balance.
[PL 2007, c. 240, Pt. U, §3 (RP).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2007, c. 240, Pt. U, §3 (RPR). PL 2007, c. 491, §42 (AMD).

§1254. Investments

The board of trustees may combine funds from the Judicial Retirement Program and assets of other programs of the Maine Public Employees Retirement System for investment purposes. The assets and funds of other programs of the Maine Public Employees Retirement System and the assets and funds of the Judicial Retirement Program may not be combined for benefit payment purposes or for administrative expenses. [PL 2007, c. 491, §43 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B16,B45 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §43 (AMD).

§1255. Legislative findings and intent

1. Findings. The Legislature finds that the State owes a great debt to its retired judges for their years of faithful and productive service. Part of that debt is repaid by the benefits provided to judges through the Judicial Retirement Program.
[PL 2007, c. 491, §44 (AMD).]

2. Intent. It is the intent of the Legislature that there is appropriated and transferred annually to the Judicial Retirement Program the funds necessary to meet the program's long-term and short-term financial obligations based on the actuarial assumptions established by the board of trustees upon the advice of the actuary. The goal of the actuarial assumptions is to achieve a fully funded program. The program's unfunded liability for members formerly subject to sections 5, 103 and 157-A, is funded by annual appropriations over the funding period of the program. This section does not apply to justices and judges who retired prior to December 1, 1984.
[PL 2007, c. 491, §44 (AMD).]

3. Implementation. It is the responsibility of the board of trustees to calculate the funds necessary to maintain the program on an actuarially sound basis, including the unfunded liability arising from payment of benefits for which contributions were not received and to transmit those calculations to the State Budget Officer as required by Title 5, sections 1661 to 1667. It is the responsibility of the Legislature to appropriate and transfer those funds annually.
[PL 2007, c. 491, §44 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B17,B45 (AMD). PL 2007, c. 491, §44 (AMD).

SUBCHAPTER 4

MEMBERSHIP AND CONTRIBUTION

§1301. Membership

Every judge serving on the court on or after December 1, 1984 must be a member of the Judicial Retirement Program as a condition of employment. [PL 2009, c. 415, Pt. A, §2 (AMD).]

A member ceases to be a member when that member withdraws that member's contributions, becomes a beneficiary as a result of that member's own retirement or dies. [RR 2021, c. 1, Pt. B, §44 (COR).]

The State Court Administrator shall submit to the board a statement showing the name, title, compensation, sex, date of birth and length of service of each member and any other information as the board may require at such times as the board may require. [PL 1983, c. 863, Pt. B, §§ 18, 45 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B18,B45 (AMD). PL 2009, c. 415, Pt. A, §2 (AMD). RR 2021, c. 1, Pt. B, §44 (COR).

§1302. Creditable service

Creditable service for the purpose of determining benefits under this chapter shall be allowed as follows: [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

1. Membership service. All judicial service of a member after November 30, 1984, for which contributions are made shall be allowed as creditable service.
[PL 1989, c. 133, §24 (AMD).]

1-A. Prior service. All service of a member as a judge before December 1, 1984, shall be allowed as creditable service.
[PL 1983, c. 863, Pt. B, §§ 19, 45 (NEW).]

2. Disability retirement. The period following the termination of service for which a beneficiary receives disability retirement allowance payments under section 1353 shall be allowed as membership service.
[PL 1983, c. 863, Pt. B, §§ 19, 45 (AMD).]

3. State Employee and Teacher Retirement Program and Legislative Retirement Program service. Creditable service as a member of the State Employee and Teacher Retirement Program or the Legislative Retirement Program must be allowed as creditable service of the Judicial Retirement Program as follows.

A. Any member who has not withdrawn that member's accumulated contributions with the State Employee and Teacher Retirement Program may, upon appointment as a judge, have that member's State Employee and Teacher Retirement Program contributions and membership service transferred to that member's account with the Judicial Retirement Program and all creditable service resulting from membership in the State Employee and Teacher Retirement Program is creditable service in the Judicial Retirement Program.

All funds in the State Employee and Teacher Retirement Program contributed by the employer on account of employment are transferred to the Judicial Retirement Program and must be used to liquidate the liability incurred by reason of that member's previous employment. The State shall make such contributions, from time to time, as may be necessary to provide the benefits under the Judicial Retirement Program for the member as have accrued to the member by reason of the member's previous employment and may accrue to the member by reason of membership in the Judicial Retirement Program. [PL 2007, c. 491, §45 (AMD).]

A-1. Any member who has not withdrawn that member’s accumulated contributions with the Legislative Retirement Program may, upon appointment as a judge, elect to have that member’s Legislative Retirement Program contributions and membership service transferred to that member’s account with the Judicial Retirement Program and have all creditable service resulting from membership in the Legislative Retirement Program count as creditable service in the Judicial Retirement Program. The member must pay an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit that results from inclusion of the creditable service in the Legislative Retirement Program as creditable service in the Judicial Retirement Program.

All funds in the Legislative Retirement Program contributed by the employer on account of the member's previous membership in the Legislative Retirement Program are transferred to the Judicial Retirement Program and must be used to liquidate the liability incurred by reason of that member's previous membership. [PL 2009, c. 267, §1 (NEW).]

B. Any member who has withdrawn that member's accumulated contributions from the State Employee and Teacher Retirement Program or the Legislative Retirement Program may, subsequent to appointment as a judge and prior to the date any retirement allowance becomes effective for that member, deposit in the fund by a single payment or by an increased rate of contribution an amount equal to the accumulated contributions withdrawn by that member together with interest at 2% greater than regular interest from the date of withdrawal to the date of repayment. If repayment is made in installments, interest continues to accrue on the outstanding balance. The member is entitled to all creditable service that the member acquired during previous membership. In the event any retirement allowance becomes effective before repayment is completed, the member is entitled to credit for that portion of the total of the previous creditable service which the total amount of payments actually made bears to the total amount, including interest at 2% greater than regular interest from the date of withdrawal to the date the retirement allowance becomes effective. [PL 2009, c. 267, §1 (AMD).]

C. [PL 1985, c. 693, §8 (RP).]

D. A person may not receive benefits under both the Judicial Retirement Program and the State Employee and Teacher Retirement Program or the Legislative Retirement Program based upon the same period of service. [PL 2009, c. 267, §1 (AMD).]

[PL 2009, c. 267, §1 (AMD).]

4. Amount of service per year. The board shall establish by rule the amount of creditable service to be granted for service rendered during a year, subject to the following conditions.

A. No credit may be allowed for a period of absence without pay of more than one month's duration; and [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

B. No more than one year of service may be credited for all service in one calendar year. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B19,B45 (AMD). PL 1985, c. 693, §8 (AMD). PL 1989, c. 133, §24 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §45 (AMD). PL 2009, c. 267, §1 (AMD).

§1303. State contribution

1. Payment. For each member, the State shall pay annually into the fund an amount known as the employer contribution.

[PL 1989, c. 133, §25 (AMD).]

2. Employer contribution rate. The rate of the employer contribution is fixed on the basis of the assets and liabilities of the Judicial Retirement Program as shown by actuarial valuation and is expressed as a percentage of the annual earnable compensation of each member.

A. The employer contribution rate represents the percentage of the members' compensation payable during periods of membership required to provide the difference between the total liabilities for retirement allowances not provided by the members' contributions and the amount of the assets in the fund. [PL 2007, c. 491, §46 (AMD).]

B. The employer contribution rate is determined on actuarial bases adopted by the board of trustees. The rate is determined by the board of trustees after each valuation and continues in force until a new valuation is made. [PL 2007, c. 491, §46 (AMD).]

[PL 2007, c. 491, §46 (AMD).]

3. State contribution procedure. The board of trustees shall submit budget estimates to the State Budget Officer in accordance with Title 5, section 1665. On each payroll for judges from which retirement contributions are deducted, the State Controller shall cause a charge to be made of an amount or amounts in payment of the state costs of all charges related to the Judicial Retirement Program and which must be credited to the appropriate accounts of the fund. Percentage rates to be predetermined by the actuary and approved by the board of trustees must be applied to the total gross salaries of members appearing on those payrolls and the resultant charges must be periodically credited to the retirement fund.

[PL 2007, c. 491, §46 (AMD).]

4. Minimum amount of employer contribution. The aggregate payment by the State into the fund must be at least sufficient to provide the benefits payable out of the fund and the administrative operating expenses of the Judicial Retirement Program during the current year.

[PL 2007, c. 491, §46 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B20,B45 (AMD). PL 1989, c. 133, §25 (AMD). PL 2007, c. 240, Pt. U, §4 (AMD). PL 2007, c. 491, §46 (AMD).

§1304. Employees' contributions

On and after July 1, 1993, each member in service shall contribute at a rate of 7.65% of earnable compensation, except that judges whose earnable compensation includes imputed cost-of-living adjustments under section 1201, subsection 9, shall contribute based on the compensation actually paid. [PL 2007, c. 449, §2 (AMD); PL 2007, c. 449, §3 (AFF).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B21,B45 (AMD). PL 1989, c. 133, §26 (AMD). PL 1993, c. 410, §L4 (AMD). PL 2007, c. 449, §2 (AMD). PL 2007, c. 449, §3 (AFF).

§1305. Return of accumulated contributions

(REPEALED)

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1989, c. 133, §27 (AMD). PL 1993, c. 387, §A2 (AMD). PL 1997, c. 651, §2 (AMD). PL 2007, c. 137, §6 (RP).

§1305-A. Refund of accumulated contributions

1. Conditions for refund. If the service of any member has terminated, except by death or by retirement under this chapter, the member must be paid the amount of the member's accumulated contributions under the following conditions:

A. The member must have properly applied for a refund of accumulated contributions; [PL 2007, c. 137, §7 (NEW).]

B. Payment must be made after termination of service and not more than 60 days after receipt of the application and receipt of the last payroll upon which the name of the member appears; [PL 2025, c. 221, §5 (AMD).]

C. An application for refund is void if the member filing the application returns to membership in any retirement program administered by the Maine Public Employees Retirement System before issuance of the payment; and [PL 2007, c. 491, §47 (AMD).]

D. Only accumulated contributions made by the member or picked up by the employer may be refunded to that member under this subsection. [PL 2007, c. 137, §7 (NEW).]

[PL 2025, c. 221, §5 (AMD).]

SECTION HISTORY

PL 2007, c. 58, §3 (REV). PL 2007, c. 137, §7 (NEW). PL 2007, c. 491, §47 (AMD). PL 2025, c. 221, §5 (AMD).

§1305-B. Inactive accounts

1. Conditions for refund. The retirement system may make an automatic refund of contributions to a member who has not properly applied for a refund as provided in section 1305-A and who has terminated service, except by death or by retirement under this chapter, and who has not met the minimum creditable service requirement for eligibility to receive a service retirement benefit at the applicable age under the following conditions:

A. The member account in the retirement system has been inactive for 3 or more years; [PL 2007, c. 137, §8 (NEW).]

B. Only accumulated contributions made by the member or picked up by the employer may be refunded to that member under this subsection; and [PL 2007, c. 137, §8 (NEW).]

C. A member who receives an automatic refund under this subsection may, within 30 days of the issuance of the refund, return the full refunded amount to the retirement system. Upon receipt, the retirement system shall restore the accumulated contributions to the member's credit. [PL 2007, c. 137, §8 (NEW).]

Pursuant to the Code, Section 401(a)(31)(B), the amount of an automatic refund under this section may not exceed $1,000.

[PL 2009, c. 474, §9 (AMD).]

SECTION HISTORY

PL 2007, c. 137, §8 (NEW). PL 2009, c. 474, §9 (AMD).

§1306. Back contribution for certain days off without pay

1. Election. If the Maine Public Employees Retirement System determines at the time a member retires that the member's benefit would be increased as a result of the inclusion of compensation that would have been paid for fiscal year 2002-03 days off without pay as described in section 1201, subsection 3, the retirement system shall advise the member of that result and shall allow the member to elect to have that compensation included in the calculation of the member's benefit and to make payments as set forth in subsection 2.

[PL 2007, c. 491, §48 (AMD).]

2. Payment. The amount that a member who makes the election permitted in subsection 1 must pay is the amount equal to the employee contribution that person would have made on wages that would have been paid to that person on the days off without pay during the 2002-03 fiscal year as described in section 1201, subsection 3, plus interest at a rate, to be set by the board, not to exceed regular interest by 5 or more percentage points. Interest must be computed beginning at the end of the year when those contributions or pick-up contributions would have been made to the date of payment. If the member elects to make the payment, the Maine Public Employees Retirement System shall withhold the required amount from the member's first retirement benefit check.

[PL 2009, c. 474, §10 (AMD).]

3. Benefit calculation. If the member fails to make the election within 31 days of the notification provided under subsection 1, the Maine Public Employees Retirement System shall calculate the member's retirement benefit without inclusion of the days off without pay during the 2002-03 fiscal year.
[PL 2007, c. 491, §48 (AMD).]

SECTION HISTORY

PL 2003, c. 486, §2 (NEW). PL 2007, c. 491, §48 (AMD). PL 2009, c. 474, §10 (AMD).

SUBCHAPTER 5

PAYMENT OF BENEFITS

§1351. Eligibility for retirement

Upon written application to the board setting forth the date upon which the member chooses to retire, any member may retire upon meeting one of the following. [PL 1991, c. 528, Pt. EEE, §2 (AMD); PL 1991, c. 528, Pt. EEE, §18 (AFF); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. EEE, §2 (AMD); PL 1991, c. 591, Pt. EEE, §18 (AFF).]

1. Age 60; at least 10 years of creditable service on July 1, 1993. Any member who on July 1, 1993 had at least 10 years of creditable service may retire on or after the member's 60th birthday.
[PL 1999, c. 756, §5 (AMD).]

1-A. Age 62; less than 10 years of creditable service on July 1, 1993. Any member who on July 1, 1993 had less than 10 years of creditable service may retire on or after the member's 62nd birthday if:

A. The member has at least 10 years of creditable service; or [PL 1999, c. 756, §6 (NEW).]

B. The member has at least 5 years of creditable service and:

(1) Was in service on October 1, 1999;

(2) Had left service prior to October 1, 1999 with or without withdrawing contributions and on or after October 1, 1999 returned to service; or

(3) Was first in service on or after October 1, 1999. [PL 1999, c. 756, §6 (NEW).]
[PL 1999, c. 756, §6 (NEW).]

1-B. At least 5 years creditable service on July 1, 2011. Eligibility for retirement for a member who on July 1, 2011 had at least 5 years of creditable service is governed by subsection 1 if the member had 10 years of creditable service on July 1, 1993 or by subsection 1-A, if the member had less than 10 years of creditable service on July 1, 1993.
[PL 2011, c. 380, Pt. T, §5 (NEW).]

1-C. Less than 5 years creditable service on July 1, 2011. A member who on July 1, 2011 had less than 5 years of creditable service may retire at 65 years of age or thereafter, whether or not the member is in service at retirement, as long as the member has at the time of retirement at least 5 years of creditable service.
[PL 2011, c. 380, Pt. T, §6 (NEW).]

2. Age 70. Any member in service may retire on or after the member's 70th birthday, provided that the member has been in service, as a judge, for at least one year immediately before retirement.
[PL 1991, c. 528, Pt. EEE, §2 (AMD); PL 1991, c. 528, Pt. EEE, §18 (AFF); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. EEE, §2 (AMD); PL 1991, c. 591, Pt. EEE, §18 (AFF).]

2-A. Five-year minimum creditable service requirement for eligibility to receive a service retirement benefit at applicable age; applicability. The minimum requirement of 5 years of creditable service for eligibility to receive service retirement benefits under subsection 1-A, 1-B or 1-C applies only to:

A. A member who was in service on October 1, 1999; [PL 1999, c. 756, §7 (NEW).]

B. Upon return to service, a member who had left service prior to October 1, 1999 with or without withdrawing that member's contributions and on or after October 1, 1999 returned to service; or [PL 1999, c. 756, §7 (NEW).]

C. A member who was first in service on or after October 1, 1999. [PL 1999, c. 756, §7 (NEW).]

For those members to whom the 5-year minimum creditable service requirement does not apply, the 10-year minimum creditable service requirement for eligibility to receive service retirement benefits remains in effect on and after October 1, 1999.
[PL 2011, c. 380, Pt. T, §7 (AMD).]

3. Early retirement; at least 10 years of creditable service on July 1, 1993. Any member, whether or not in service at retirement, who on July 1, 1993 had at least 10 years of creditable service and who has completed at least 25 years of creditable service may retire any time before the member's 60th birthday. The retirement allowance is determined in accordance with section 1352, except that it is reduced by multiplying the retirement allowance by a fraction that represents the ratio of the amount of a life annuity due at age 60 to the amount of a life annuity due at the age of retirement. The tables of annuities in effect at the date of retirement are used for this purpose.

For the purpose of calculating creditable service under this subsection only, creditable service includes time during which a member participated in the voluntary cost savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, section F-6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.
[PL 1999, c. 756, §8 (AMD).]

3-A. Early retirement; less than 10 years creditable service on July 1, 1993. Any member, whether or not in service at retirement, who on July 1, 1993 had less than 10 years of creditable service and who has completed at least 25 years of creditable service may retire any time before the member's 62nd birthday. The retirement allowance is determined in accordance with section 1352, except that the benefit is reduced by 6% for each year that the member's age precedes age 62.
[PL 1999, c. 756, §9 (AMD).]

3-B. Early retirement; less than 5 years creditable service on July 1, 2011. Any member, whether or not in service at retirement, who on July 1, 2011 had less than 5 years of creditable service and who had completed at least 25 years of creditable service may retire any time before the member's 65th birthday. The retirement allowance is determined in accordance with section 1352, except that the benefit is reduced by 6% for each year that the member's age precedes age 65.
[PL 2011, c. 380, Pt. T, §8 (NEW).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B22,B45 (AMD). PL 1985, c. 693, §9 (AMD). PL 1991, c. 528, §EEE2 (AMD). PL 1991, c. 528, §§EEE18,RRR (AFF). PL 1991, c. 591, §EEE2 (AMD). PL 1991, c. 591, §EEE18 (AFF). PL 1993, c. 410, §§L5-8 (AMD). PL 1999, c. 756, §§5-9 (AMD). PL 1999, c. 756, §6 (AMD). PL 2011, c. 380, Pt. T, §§5-8 (AMD).

§1352. Retirement benefits

1. Amount. The service retirement allowance of a member is determined under the provisions of this chapter in effect on the member's date of final termination of service. Subject to the maximum benefit provided for in subsection 3-A and the minimum benefit provided for in subsection 4, the total amount of the retirement allowance of a member retired in accordance with section 1351 is equal to the sum of:

A. 1/50 of the member's average final compensation multiplied by the number of years of membership service, from December 1, 1984 to June 30, 1998 and creditable service allowed under section 1302, subsection 3; [PL 1997, c. 643, Pt. M, §12 (AMD).]

B. The earned benefit for prior service as a judge as determined by subsection 2; and [PL 1997, c. 643, Pt. M, §12 (AMD).]

C. Three percent of the member's average final compensation multiplied by the number of years of membership service beginning July 1, 1998. [PL 1997, c. 643, Pt. M, §12 (NEW).]

[PL 2001, c. 439, Pt. VV, §1 (AMD).]

2. Benefit for service prior to December 1, 1984. The earned benefit for judicial service prior to December 1, 1984, is equal to the years of service prior to December 1, 1984, not to exceed 10 years, divided by 10, multiplied by 75% of the salary as of November 30, 1984, for the position from which the judge retired.

[PL 1997, c. 643, Pt. M, §12 (AMD).]

3. Maximum benefit.

[PL 2001, c. 439, Pt. VV, §2 (RP).]

3-A. Maximum benefit. Except as provided in subsection 4, a judge in service on December 1, 1984, or appointed on or after December 1, 1984, may not receive a benefit that exceeds 70% of that judge's average final compensation, not including adjustments under section 1358. The benefit amount of any judge retired prior to the effective date of this subsection whose benefit amount was limited according to the terms of former subsection 3 must be recalculated according to this subsection and the recalculated amount must be paid retroactive to the judge's effective date of retirement.

[PL 2001, c. 439, Pt. VV, §3 (NEW).]

4. Minimum benefit. Each judge in service on December 1, 1984, who is 50 years of age or older on that date is entitled to a minimum benefit equal to 75% of the salary as of June 30, 1984, for the position from which the judge retired, increased by 6% compounded annually, for each year or part of a year served subsequent to June 30, 1984, up to and including June 30, 1989. For each year or part of a year served after June 30, 1989, the allowance is increased by an amount equal to the cost-of-living factor granted the previous September, as determined pursuant to section 1358, compounded annually.

[PL 1997, c. 643, Pt. M, §12 (AMD).]

5. Termination of benefits.

[PL 2021, c. 548, §3 (RP).]

6. Service beyond age 70.

[PL 1989, c. 133, §28 (RP).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B23-25,B45 (AMD). PL 1985, c. 693, §10 (AMD). PL 1985, c. 737, §§C3,6 (AMD). PL 1989, c. 133, §28 (AMD). PL 1997, c. 643, §M12 (AMD). PL 2001, c. 439, §§VV1-3 (AMD). PL 2021, c. 548, §3 (AMD).

§1353. Disability retirement

1. Conditions. Any member who becomes disabled while in service may receive a disability retirement allowance by order of at least 5 Justices of the Supreme Judicial Court or upon written application to the executive director and approval of that application by at least 5 of the Justices of the

Supreme Judicial Court if that member is mentally or physically incapacitated to the extent that it is impossible for that member to perform the duties as a judge and the incapacity is expected to be permanent, as shown by medical examination or tests. A health care provider mutually agreed upon by the executive director and member shall conduct the examinations or tests at an agreed upon place, and the costs must be paid by the Maine Public Employees Retirement System.

A. [PL 1991, c. 887, §1 (RP).]

B. [PL 1991, c. 887, §1 (RP).]

[PL 2021, c. 277, §8 (AMD); PL 2021, c. 277, §45 (AFF).]

1-A. Eligibility for disability.

A. A member with less than 5 years of creditable service preceding that member's last date of service is not eligible for a disability retirement allowance if that disability is the result of a physical or mental condition that existed prior to the person's latest membership in a retirement program of the Maine Public Employees Retirement System, unless the disability is a result of, or has been substantially aggravated by, an injury or accident received in the line of duty. [PL 2025, c. 221, §6 (AMD).]

B. [PL 1997, c. 384, §1 (RP).]

[PL 2025, c. 221, §6 (AMD).]

2. Amount. When a member qualified under subsection 1 and, if applicable, subsection 1-A, paragraph A, retires, the amount of a disability retirement allowance is 59% of the member's average final compensation. The 59% level must be reviewed for cost-neutral comparability as a part of the actuarial investigation provided under Title 5, section 17107, subsection 2, paragraph E, beginning with the investigation made January 1, 1997 and every 6 years after that time. The review that takes place every 6 years must compare actual experience under the disability plans with actuarial assumptions regarding election and costs of benefits under the new options elected and identify possible options for compliance with the federal Older Workers Benefit Protection Act that protect benefits for employees without additional cost to the State and participating local districts.

A member who by election remains covered under subsection 1 as written prior to its amendment by Public Law 1991, chapter 887, section 1 may receive a disability retirement allowance when, in addition to meeting the requirements of subsection 1, the member has not completed the eligibility requirements for retirement under section 1351, subsection 1, 1-A or 2. When such a member is entitled to receive a disability retirement allowance, the amount of the allowance is 66 2/3% of the member's average final compensation.

[PL 1997, c. 384, §2 (AMD).]

3. Commencement. Disability retirement allowance payments shall commence on the first day of the month following the date of termination of active service of the member. Termination of active service shall create a vacancy on the court.

[PL 1989, c. 133, §29 (AMD).]

4. Continuance. Payment of a disability retirement allowance must continue subject to subsection 7 and the following conditions.

A. During the first 2 years, the allowance continues as long as the beneficiary cannot perform the duties of a judge. [RR 2021, c. 1, Pt. B, §45 (COR).]

B. After that period, the allowance continues only if the beneficiary is unable to engage in any substantially gainful activities for which the beneficiary is qualified by training, education or experience. [RR 2021, c. 1, Pt. B, §45 (COR).]

C. The executive director may require the beneficiary to undergo annual medical examinations or tests for the purpose of determining whether the beneficiary is incapacitated. These examinations

or tests must be conducted by a health care provider, mutually agreed upon by the executive director and beneficiary, at a place also mutually agreed upon, and the costs of the examination or tests must be paid by the Maine Public Employees Retirement System. If the beneficiary refuses to submit to an examination or tests, the beneficiary's disability allowance ceases until the beneficiary agrees to the examination or tests. If the beneficiary's refusal continues for one year, all rights to any further benefits under this section terminate. [PL 2021, c. 277, §9 (AMD); PL 2021, c. 277, §45 (AFF).]

D. For purposes of this subsection, the disability beneficiary's average final compensation at retirement must be used to determine the beneficiary's earning capacity in the relation to the beneficiary's ability to engage in a substantially gainful activity. It must be adjusted by the same percentage, if any, as applied to the beneficiary's retirement allowance under section 1358. [RR 2021, c. 1, Pt. B, §45 (COR).]

[RR 2021, c. 1, Pt. B, §45 (COR).]

5. Earnings. The chief executive officer may require each disability beneficiary to submit an annual statement of earnings received from any gainful occupation during that year. For any year during which the total of those earnings and the disability allowance exceeds the current salary of the position that the disabled beneficiary last held, the excess must be deducted from any disability retirement allowance payments made to the beneficiary in accordance with Title 5, section 17054, subsection 3. The beneficiary is responsible for reimbursing the Maine Public Employees Retirement System for any excess earnings not so deducted.

If a beneficiary does not submit an earnings statement within 30 days of receiving a request from the chief executive officer, the disability retirement allowance is discontinued until the statement is submitted. If the statement is not submitted within one year of receiving a request, all the beneficiary's rights to any further benefits cease.

[PL 2025, c. 221, §7 (AMD).]

6. Reduction. The disability retirement allowance must be reduced if a disability beneficiary is receiving or has received payments for the same disability under the workers' compensation law, or similar law, except for amounts that may be paid or payable under former Title 39, section 56 or 56-A or Title 39-A, section 212, subsection 2 or 3.

The total of the allowance, not including adjustments under section 1358 and the payment described in the preceding paragraph, may not exceed 80% of the beneficiary's average final compensation. The disability retirement allowance may in no event be reduced below the actuarial equivalent of the beneficiary's accumulated contributions at the time of retirement.

If the disability beneficiary has received a lump-sum settlement of workers' compensation benefits, any portion of that settlement not attributable to vocational rehabilitation, attorneys' fees or medical expenses must reduce the disability retirement allowance in the same manner and amount as monthly workers' compensation benefits. The reduction must be prorated on a monthly basis in an equitable manner prescribed by the board.

If amounts paid or payable under workers' compensation or the amount of the lump-sum settlement or its attribution are in dispute, those disputes must be settled by a single member of the Workers' Compensation Board as provided under Title 39-A. Determinations of the commissioner may be appealed in the manner provided by Title 39-A, section 322.

[PL 1991, c. 885, Pt. E, §5 (AMD); PL 1991, c. 885, Pt. E, §47 (AFF).]

7. Change to service retirement.

A. The disability retirement allowance of a beneficiary must cease whenever the service retirement allowance of the beneficiary would equal or exceed the amount of the member's disability retirement allowance. For a member who by election or by having retired on disability retirement

prior to October 16, 1992 remains covered under this section as written prior to its amendment by Public Law 1991, chapter 887, section 3, the disability retirement allowance must cease at age 70, or prior to that age, whenever the service retirement allowance would equal or exceed the amount of the disability retirement allowance. [PL 1997, c. 384, §3 (AMD).]

B. A service retirement allowance shall be paid to the beneficiary commencing on the date of termination of the disability retirement allowance as determined in paragraph A. [PL 1983, c. 853, Pt. C, §§15, 18 (NEW).]

[PL 1997, c. 384, §3 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B26,B45 (AMD). PL 1989, c. 133, §29 (AMD). PL 1991, c. 633 (AMD). PL 1991, c. 885, §E5 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1991, c. 887, §§1-3 (AMD). PL 1993, c. 595, §1 (AMD). PL 1995, c. 643, §3 (AMD). PL 1997, c. 384, §§1-3 (AMD). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §§49-51 (AMD). PL 2017, c. 88, §§6, 7 (AMD). PL 2021, c. 277, §§8, 9 (AMD). PL 2021, c. 277, §45 (AFF). RR 2021, c. 1, Pt. B, §45 (COR). PL 2025, c. 221, §§6, 7 (AMD).

§1354. Restoration to service

(REPEALED)

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B27,B45 (RP).

§1355. Ordinary death benefits

If a member who is in service or a former member who is a recipient of a disability retirement allowance dies, the member's beneficiary, or relative if the member has no designated beneficiary, is entitled to benefits on the same basis as provided for beneficiaries of state employees who are members of the State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter 5, article 4. [PL 2021, c. 548, §4 (AMD).]

1. Death before eligibility for service retirement.

[PL 1989, c. 133, §30 (RP).]

2. Death after eligibility for retirement.

[PL 1989, c. 133, §30 (RP).]

3. Election of benefits.

[PL 1989, c. 133, §30 (RP).]

4. Cost-of-living adjustments.

[PL 1989, c. 133, §30 (RP).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B28-30,B45 (AMD). PL 1989, c. 133, §30 (RPR). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §52 (AMD). PL 2021, c. 548, §4 (AMD).

§1355-A. Minimum ordinary death benefits

1. Benefit. Notwithstanding the provisions of section 1355, any eligible surviving spouse and dependent child or children of a judge who was in service prior to December 1, 1984, shall, upon the death of that judge, be entitled to a minimum benefit of 1/2 the retirement benefit of the judge, determined in accordance with section 1352, on the assumption that retirement of the judge had taken place on the date of death. If more than one child is eligible for this benefit, it shall be divided equally among them. This benefit shall continue as long as the spouse or child or children remain eligible.

[PL 1989, c. 133, §31 (AMD).]

2. Eligibility. Eligibility for the minimum benefit of this section is determined as follows.

A. A surviving spouse is eligible as long as that spouse does not become the dependent of another person. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

B. The dependent child or children are eligible until they no longer meet the definition of "dependent child" under section 1201, subsection 6-A. [PL 1989, c. 133, §32 (AMD).]
[PL 1989, c. 133, §32 (AMD).]

3. Election of benefits. The benefits described in this section shall be instead of any benefits payable under either section 1355 or section 1356.

Any person entitled to receive benefits under this section may elect, before benefit payments begin, to receive benefits under section 1355 or section 1356 instead of these benefits, if all requirements of that section are complied with.
[PL 1983, c. 863, Pt. B, §§ 32, 45 (NEW).]

4. Cost-of-living adjustments. Payments made under subsection 1 shall be adjusted pursuant to section 1358 in the same manner as retirement allowances.
[PL 1983, c. 863, Pt. B, §§ 32, 45 (NEW).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B31,32,B45 (AMD). PL 1989, c. 133, §§31,32 (AMD).

§1356. Accidental death benefits

If a member or a former member who is receiving a disability retirement allowance dies as a result of an injury received in the line of duty, benefits are paid on the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter 5, article 5. [PL 2007, c. 491, §53 (AMD).]

1. Benefit.
[PL 1989, c. 133, §33 (RP).]

2. Reduction and termination.
[PL 1989, c. 133, §33 (RP).]

3. Election of benefits.
[PL 1989, c. 133, §33 (RP).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B33,34,B45 (AMD). PL 1989, c. 133, §33 (RPR). PL 2007, c. 58, §3 (REV). PL 2007, c. 491, §53 (AMD).

§1357. Payment of regular retirement allowances

1. Normal method of payment. Payment of all regular retirement allowances shall begin on the first day of the month following the month in which the member becomes eligible to receive payment of regular retirement allowance under section 1351 or 1353, subsection 7. A full month's allowance shall be paid to the beneficiary or estate of the recipient for the month in which the member dies. All regular retirement allowances shall be paid for life in equal monthly installments, unless an alternative method of payment under one of the options of subsection 2 has been elected.

Upon the death of a former member who was in service as a judge prior to December 1, 1984, and who is 50 years of age or older on that date and who is the recipient of a retirement allowance under the normal method of payment, the surviving spouse who is the named beneficiary at the date of retirement shall become entitled to 1/2 of the amount being paid at the time of the member's death which payment shall continue for the remainder of the spouse's lifetime.

Upon the death of a former member who was in service as a judge prior to December 1, 1984, and who is 50 years of age or older on that date and who becomes the recipient of a disability retirement allowance, the surviving spouse who is the named beneficiary shall become entitled to 1/2 the amount that the member would have been entitled to as a service retirement allowance under the normal method of payment as of the date of the member's death.
[PL 1989, c. 133, §34 (AMD).]

2. Optional methods of payment. In lieu of payment under subsection 1, a qualifying member may elect to receive a regular retirement allowance under one of the options set out in this subsection. The optional allowance is a reduced allowance computed actuarially on the basis of the option selected.

The qualifying member may elect one of the options by written request to and approval of the executive director prior to the commencement of payment of a regular retirement allowance. The election may be revoked by written notice to the executive director at any time before the regular retirement allowance commences.

For the purposes of this subsection, "qualifying member" means a member or a former member who has been receiving a disability retirement benefit and changes to service retirement under section 1353, subsection 7.

A. Under Option 1, the qualifying member may elect to have a reduced retirement benefit paid to the qualifying member while alive and at the qualifying member's death to have the excess, if any, of the qualifying member's accumulated contributions at the time of retirement over the portion of the total retirement benefit payments actually made to the qualifying member while alive, which is the actuarial equivalent of the accumulated contributions, paid in a lump sum to the beneficiary that the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer on a form provided or specified by the Maine Public Employees Retirement System or, if no one has been nominated as beneficiary, to the qualifying member's estate. [PL 2025, c. 221, §8 (AMD).]

B. Under Option 2, the qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and at the qualifying member's death to have the benefit continued in the same amount for the life of the beneficiary that the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer at the time of retirement on a form provided or specified by the Maine Public Employees Retirement System, if the beneficiary survives the qualifying member. [PL 2025, c. 221, §8 (AMD).]

C. Under Option 3, the qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and at the qualifying member's death to have the benefit continued at 1/2 the amount for the life of the beneficiary that the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer at the time of retirement on a form provided or specified by the Maine Public Employees Retirement System, if the beneficiary survives the qualifying member. [PL 2025, c. 221, §8 (AMD).]

D. Under Option 4, the qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and at the qualifying member's death to have some benefit other than that available under paragraph B or C payable to the beneficiary that the qualifying member has designated, if the beneficiary survives the qualifying member. The total value of the benefit paid to the qualifying member during the qualifying member's life plus the benefit paid after the qualifying member's death is the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The method used to determine the benefit must be approved by the board of trustees, and the beneficiary must be designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the Maine Public Employees Retirement System. [PL 2025, c. 221, §8 (AMD).]

E. Under Option 5, the qualifying member may elect to have a reduced retirement benefit payable in part to the qualifying member and in part to the beneficiary, who must be the sole beneficiary, while both are alive and, at the death of either, to have the higher benefit paid to the survivor for the survivor's life. The total value of the benefit paid to the qualifying member and beneficiary, during the qualifying member's life, plus the benefit to be paid after the death of either is the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The method used to determine the benefit must be approved by the board of trustees, and the beneficiary must be designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the Maine Public Employees Retirement System. [PL 2025, c. 221, §8 (AMD).]

F. Under Option 6, the qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and, at the qualifying member's death, to have the benefit continued in the same amount for the life of the beneficiary, who must be the sole beneficiary, that the qualifying member has designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the Maine Public Employees Retirement System, if the beneficiary survives the qualifying member. If the qualifying member's beneficiary predeceases the qualifying member, the qualifying member's benefit must be changed, effective the first day of the month following the date of the beneficiary's death, to be the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The reduced retirement benefit must be actuarially calculated to reflect the fact that the benefit may be changed to the larger amount should the beneficiary predecease the member. [PL 2025, c. 221, §8 (AMD).]

G. Under Option 7, the qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and, at the qualifying member's death, to have the benefit continued at 1/2 that amount for the life of the beneficiary, who must be the sole beneficiary, that the qualifying member has designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the Maine Public Employees Retirement System, if the beneficiary survives the qualifying member. If the qualifying member's beneficiary predeceases the qualifying member, the qualifying member's benefit must be changed, effective the first day of the month following the date of the beneficiary's death, to the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The reduced retirement benefit must be actuarially calculated to reflect the fact that the benefit may be changed to the larger amount should the beneficiary predecease the member. [PL 2025, c. 221, §8 (AMD).]

H. Under Option 8, the qualifying member may elect to have a reduced retirement benefit payable to the qualifying member while alive and, at the qualifying member's death, to have some benefit other than that available under paragraph B or C payable to the beneficiary, who must be the sole beneficiary, that the member has designated by written designation, duly acknowledged and filed with the chief executive officer on a form provided or specified by the Maine Public Employees Retirement System, if the beneficiary survives the qualifying member. The total value of the benefit paid to the qualifying member plus the benefit paid after the qualifying member's death is the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. If the qualifying member's beneficiary predeceases the qualifying member, the qualifying member's benefit must be changed, effective the first day of the month following the date of the beneficiary's death, to be the actuarial equivalent of the benefit that the qualifying member would have received without optional modification. The reduced retirement benefit must be actuarially calculated to reflect the fact that the benefit may be changed to the larger amount should the beneficiary predecease the member. [PL 2025, c. 221, §8 (AMD).]

[PL 2025, c. 221, §8 (AMD).]

3. Change of beneficiary. If the recipient of a service retirement benefit has elected an optional method of payment under subsection 2, paragraphs B to H, and has designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is permitted a one-time change in the designated beneficiary except as provided in paragraph D, but may not change the already elected payment option or the amount of the benefits under that option, by filing a written designation of the new beneficiary, duly notarized, with the executive director on a form provided or specified by the Maine Public Employees Retirement System. The change of beneficiary permitted by this subsection may only be made prior to the death of the prior designated beneficiary.

A. The benefit payable to the recipient and the new beneficiary must be paid under the same payment option. The amount of the recipient's benefit may not change, and the amount of the new beneficiary's benefit must be the same as the amount of the prior beneficiary's benefit. [PL 2009, c. 415, Pt. A, §3 (RPR).]

B. The effective date of the designation of the new beneficiary is the date the designation is received by the executive director. As of the first day of the month following the effective date of the designation of the new beneficiary, the prior beneficiary is no longer entitled to any benefit payment and, if concurrent payment under subsection 2, paragraph E has been elected, the new beneficiary's benefit must become effective on the same date. [PL 2009, c. 415, Pt. A, §3 (RPR).]

C. The new beneficiary's entitlement to benefits ceases on the earlier of:

(1) The date of the new beneficiary's death; or

(2) The date established when the amount of the prior beneficiary's benefit was established, which is the initial commencement date of benefits to the retiree increased by the life expectancy of the prior beneficiary computed in years and months using actuarial equivalence assumptions recommended by the system's actuary.

Payment of benefits to the new beneficiary must cease as of the first day of the month following the earlier of subparagraph (1) or (2). [PL 2009, c. 415, Pt. A, §3 (RPR).]

D. A recipient who exercises a one-time option under this subsection may revert back to the original designated beneficiary, who will be treated as the new beneficiary for purposes of paragraphs A to C. [PL 2009, c. 415, Pt. A, §3 (RPR).]

[PL 2009, c. 415, Pt. A, §3 (RPR).]

4. Notice to spouse. A qualifying member who is married on the effective date of retirement, who elects the method of payment under subsection 1 and is not covered by the automatic spousal benefits provisions in that subsection, or who elects a method of payment other than that provided under subsection 1 and who designates a beneficiary other than the qualifying member's spouse must notify the spouse that the spouse is not the beneficiary. Proof that the spouse has been notified must be provided:

A. By written certification of the spouse, duly notarized, on a form provided or specified by the Maine Public Employees Retirement System indicating that notice has been received from the qualifying member; or [PL 2007, c. 491, §59 (AMD).]

B. When notice has been given, but certification by the spouse has not been provided, by written certification of the qualifying member, duly notarized, on a form provided or specified by the Maine Public Employees Retirement System indicating that notice has been given to the spouse. [PL 2007, c. 491, §60 (AMD).]

Payment of the qualifying member's service benefit may not commence until certification has been received by the executive director.

[PL 2007, c. 491, §§59, 60 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B35,B45 (AMD). PL 1985, c. 475, §§1,4 (AMD). PL 1989, c. 133, §34 (AMD). PL 1999, c. 744, §§1,2 (AMD). PL 1999, c. 744, §17 (AFF). PL 2007, c. 491, §§54-60 (AMD). PL 2007, c. 523, §1 (AMD). PL 2009, c. 415, Pt. A, §3 (AMD). PL 2021, c. 548, §5 (AMD). RR 2021, c. 2, Pt. A, §2 (COR). PL 2025, c. 221, §8 (AMD).

§1358. Cost-of-living and other adjustments

1. Cost-of-living adjustments. Except as provided in subsection 2, paragraph A, retirement allowances under this chapter must be adjusted on the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, section 17806.

A. [PL 2011, c. 380, Pt. T, §9 (RP).]

A-1. [PL 2011, c. 380, Pt. T, §9 (RP).]

B. [PL 2011, c. 380, Pt. T, §9 (RP).]

C. [PL 2011, c. 380, Pt. T, §9 (RP).]

D. [PL 2011, c. 380, Pt. T, §9 (RP).]
[PL 2011, c. 380, Pt. T, §9 (RPR).]

2. Retirement allowances. Retirement allowances under section 1352, subsection 4.

A. Beginning in July 1985, and each July thereafter, through July 1989, retirement allowances under section 1352, subsection 4, shall be increased by 6% compounded annually. [PL 1985, c. 693, §11 (NEW).]

B. Beginning in September 1990, and each September thereafter, retirement allowances under section 1352, subsection 4, shall be adjusted as provided in subsection 1. [PL 1985, c. 693, §11 (NEW).]
[PL 1985, c. 693, §11 (NEW).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B36,B45 (AMD). PL 1985, c. 693, §11 (RPR). PL 1993, c. 410, §§L8-A (AMD). PL 1993, c. 595, §2 (AMD). PL 2007, c. 249, §8 (AMD). PL 2009, c. 433, §§1, 2 (AMD). PL 2009, c. 473, §1, 2 (AMD). PL 2011, c. 380, Pt. T, §9 (AMD).

§1359. Termination of retirement benefits for conflict of interest

(REPEALED)

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B37,B45 (RP).

§1360. Remarriage after retirement

If a retiree who is the recipient of a reduced regular retirement allowance under section 1357, subsection 2, paragraph B, C, D or E remarries after the retiree's spouse dies, the following provisions apply. [PL 1999, c. 744, §3 (AMD); PL 1999, c. 744, §17 (AFF).]

1. Election of benefit for new spouse. The retiree may elect to have the reduced retirement benefit paid under the same option to the new spouse after the retiree's death instead of continuing the original reduced retirement allowance to the retiree during the retiree's lifetime, under the following conditions:

A. The original spouse must have been the sole beneficiary of the reduced retirement allowance under section 1357, subsection 2, paragraph B, C, D or E; and [PL 1999, c. 744, §4 (AMD); PL 1999, c. 744, §17 (AFF).]

B. The retiree must have been married to the new spouse for at least 6 months. [PL 1989, c. 133, §35 (NEW).]

[PL 1999, c. 744, §4 (AMD); PL 1999, c. 744, §17 (AFF).]

2. Time and manner of election. The retiree may make the election at any time after the death of the original spouse and remarriage to the new spouse by:

A. Sending a written request to the executive director; and [PL 1989, c. 133, §35 (NEW).]

B. Submitting evidence of the death of the former spouse and date of marriage to the new spouse. [PL 1989, c. 133, §35 (NEW).]

[PL 1989, c. 133, §35 (NEW).]

3. Amount of benefit. The amount of the benefit payable under the option elected shall be the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement allowance the retiree has been receiving.

[PL 1989, c. 133, §35 (NEW).]

4. Effective date of coverage of new spouse. The effective date of the designation of the new spouse as the retiree's new beneficiary shall be the date the request is received or 6 months after the date of remarriage, whichever comes later. The retiree's retirement allowance shall be adjusted on the first day of the month following the effective date of the new designation of beneficiary.

[PL 1989, c. 133, §35 (NEW).]

SECTION HISTORY

PL 1989, c. 133, §35 (NEW). PL 1999, c. 744, §§3,4 (AMD). PL 1999, c. 744, §17 (AFF).

§1361. Divorce

If a retiree who is the recipient of a reduced regular retirement allowance under section 1357, subsection 2, paragraph B, C, D or E is granted a divorce either after retirement or before a retirement beneficiary is named, subsections 1 to 4 apply. [PL 1999, c. 744, §5 (AMD); PL 1999, c. 744, §17 (AFF).]

1. Election of benefit for different beneficiary. The recipient may elect to have the reduced retirement benefit paid under the same option to a different beneficiary except when the former spouse is named as retirement beneficiary at the time the divorce is granted, in which case the election may be made only under the following conditions:

A. The spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 1357, subsection 2, paragraph B, C, D or E; and [PL 1999, c. 744, §6 (AMD); PL 1999, c. 744, §17 (AFF).]

B. The recipient and the spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood. [PL 1997, c. 55, §2 (NEW).]

[PL 2007, c. 249, §9 (AMD).]

2. Time and manner of election. The recipient may make the election at any time after the divorce is granted by:

A. Sending a written request to the executive director; and [PL 1997, c. 55, §2 (NEW).]

B. Submitting evidence of the divorce. [PL 1997, c. 55, §2 (NEW).]

[PL 1997, c. 55, §2 (NEW).]

3. Amount of benefit. The amount of the benefit payable under the option elected is the actuarial equivalent, at the date of the beginning of payment of benefits under this section, of the amount of reduced retirement benefit the recipient has been receiving, plus the amount expected to be paid to the original spouse after the recipient's death.
[PL 1997, c. 55, §2 (NEW).]

4. Effective date of coverage of new beneficiary. The effective date of the designation of the recipient's new beneficiary is the date the request is received. The recipient's retirement benefit must be adjusted on the first day of the month following the effective date of the new designation of beneficiary.
[PL 1997, c. 55, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 55, §2 (NEW). PL 1999, c. 744, §§5,6 (AMD). PL 1999, c. 744, §17 (AFF). PL 2007, c. 249, §9 (AMD).

CHAPTER 29

JUDICIAL RETIREMENT PRIOR TO DECEMBER 1, 1984

§1401. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

1. Currently effective annual salary. "Currently effective annual salary" means the annual salary on June 30, 1984, of the position from which the judge retired, or if the judge died in office, the position that judge held at death, increased on July 1, 1984, and each succeeding July 1st, by 6% of the salary, as adjusted, on the immediately preceding June 30th.
[RR 2021, c. 1, Pt. B, §46 (COR).]

2. Judge. "Judge" means any Justice of the Supreme Judicial Court or the Superior Court and any Judge of the District Court who retired prior to December 1, 1984, and includes Active Retired Judges who retired prior to December 1, 1984. "Judge" also includes any Administrative Court Judge or any Associate Administrative Court Judge who retired prior to December 1, 1984.
[PL 2001, c. 12, §2 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B38,B45 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 12, §2 (AMD). RR 2021, c. 1, Pt. B, §46 (COR).

§1402. General provisions

1. Application. The retirement benefits of all judges who retired prior to December 1, 1984 are governed by this chapter.
[PL 2005, c. 386, Pt. R, §1 (NEW).]

2. Administration. Beginning on the effective date of this subsection, this chapter is administered by the Board of Trustees of the Maine Public Employees Retirement System. The trustees and the system are entitled to rely upon the books, records and reports provided to the board with respect to the payments, liabilities, beneficiary designations and all transactions conducted prior to the effective date of this subsection, and must be indemnified and held harmless by the State with respect to any such matters. On and after the effective date of this subsection, the Board of Trustees of the Maine Public

Employees Retirement System is responsible for the payment of the retirement allowance under this section from the pre-1984 judicial retirement fund.
[PL 2005, c. 386, Pt. R, §1 (NEW); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2005, c. 386, §R1 (RPR). PL 2007, c. 58, §3 (REV).

§1403. Funding

1. No contributions. Benefits provided by this chapter are funded solely by the State. No contribution may be required of any judge.
[PL 2005, c. 386, Pt. R, §1 (NEW).]

2. Appropriations. The Board of Trustees of the Maine Public Employees Retirement System shall forward to the Executive Department for inclusion in its budget request an estimate of the amount needed to be appropriated to the pre-1984 judicial retirement fund that will be sufficient, when combined with the amount in the fund, to provide the benefits payable out of the fund during the ensuing biennium.
[PL 2005, c. 386, Pt. R, §1 (NEW); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2005, c. 386, §R1 (RPR). PL 2007, c. 58, §3 (REV).

§1404. Regular retirement benefits

Any judge who resigned that judge's office or ceased to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served on the Supreme Judicial Court, the Superior Court, the District Court, the Administrative Court or any combination of that service, for at least 7 years, or after attaining the age of 65 years and after having served as a judge on those courts for at least 12 years, or after attaining the age of 60 years and after having served as a judge on those courts for at least 20 years, is entitled to receive annually during the remainder of that judge's life, whether or not that judge is appointed an Active Retired Justice, a retirement benefit equal to 3/4 of the currently effective annual salary to be paid in the same manner as the salaries of the judges of that court from which that judge retired were paid prior to December 1, 1984. The right of any judge drawing a retirement benefit to continue to receive it ceases immediately if that judge acts as attorney or counsel or in any action or legal proceeding in which the State is an adverse party or has any interest adverse to the person or persons in whose behalf that judge acts. [PL 2001, c. 12, §3 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B39,B45 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 12, §3 (AMD).

§1405. Disability benefits

Any judge who, prior to that judge's retirement age, was unable, by reason of failing health, to perform that judge's duties and who was retired by majority of the justices of the court upon which that judge was sitting when retired must receive annually during the remainder of that judge's life a retirement benefit equal to 3/4 of the currently effective annual salary to be paid in the same manner as the salaries of the judges of that court from which that judge retired were paid prior to July 1, 1984.
[RR 2021, c. 1, Pt. B, §47 (COR).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B40,B45 (AMD). RR 2021, c. 1, Pt. B, §47 (COR).

§1406. Survivor benefits

1. Survivors' benefits. Any spouse or any child or children of a judge who died prior to December 1, 1984, shall continue to receive 3/8 of the currently effective annual salary as follows:

A. To the surviving spouse, as long as that spouse is not the dependent of another person; or [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

B. To the child or children of the deceased judge under 18 years of age if there is no surviving spouse or upon the death of the surviving spouse or if the surviving spouse is or becomes the dependent of another person, payable until the youngest child reaches age 18. If more than one child under 18 years of age is eligible for this benefit, it shall be divided equally among them. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

2. Benefit upon death of judge. Upon the death of a judge, 3/8 of the currently effective annual salary shall be paid as follows:

A. To the surviving spouse, as long as that spouse is not the dependent of another person; or [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

B. To the child or children of the deceased judge under 18 years of age if there is no surviving spouse or upon the death of the surviving spouse or if the surviving spouse is or becomes the dependent of another person, payable until the youngest child reaches age 18. If more than one child under 18 years of age is eligible for this benefit, it shall be divided equally among them. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW).

CHAPTER 31

COURT APPOINTED SPECIAL ADVOCATE PROGRAM

§1501. Court Appointed Special Advocate Program

There is established within the Administrative Office of the Courts of the Judicial Department the Court Appointed Special Advocate Program to provide volunteer lay persons to serve as court appointed special advocates or guardians ad litem under Title 22, section 4005, subsection 1, in child abuse and neglect cases. [PL 1997, c. 393, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 581, §1 (NEW). PL 1997, c. 393, §C1 (AMD).

§1502. Staff

With the advice and approval of the Court Appointed Special Advocate Advisory Panel, the State Court Administrator shall appoint a Director of the Court Appointed Special Advocate Program, who shall serve at the pleasure of the State Court Administrator. The State Court Administrator may also appoint one or more deputy directors or regional volunteer coordinators, who also shall serve at the pleasure of the State Court Administrator. The State Court Administrator shall provide necessary clerical assistance to the Court Appointed Special Advocate Program, within the limit of funds available. [PL 1997, c. 393, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 581, §1 (NEW). PL 1997, c. 393, §C1 (AMD).

§1503. Court appointed special advocates

The Director of the Court Appointed Special Advocate Program shall recruit the services of qualified persons to serve as volunteer court appointed special advocates. The volunteer court appointed special advocates are considered employees of the State only for the purposes of the Maine Tort Claims Act and are not entitled to receive compensation, but are reimbursed for their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the Administrative Office of the Courts. [PL 2001, c. 253, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 581, §1 (NEW). PL 2001, c. 253, §1 (AMD).

§1504. Facilities

The State Court Administrator shall provide a principal office for the Court Appointed Special Advocate Program and shall arrange for such facilities throughout the State as are necessary and adequate for the court appointed special advocates to conduct their duties. [PL 1997, c. 393, Pt. C, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 581, §1 (NEW). PL 1997, c. 393, §C1 (AMD).

§1505. Court Appointed Special Advocate Advisory Panel

A Court Appointed Special Advocate Advisory Panel is appointed by the Chief Justice of the Supreme Judicial Court to set the policy for and monitor the Court Appointed Special Advocate Program. [PL 1991, c. 55 (AMD).]

SECTION HISTORY

PL 1985, c. 581, §1 (NEW). PL 1991, c. 55 (AMD).

§1506. Immunity from civil liability

A person serving as a court appointed special advocate for the Judicial Department or as Director, deputy director or regional volunteer coordinator of the Court Appointed Special Advocate Program is immune from any civil liability, as are employees of governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of that person's administrative duties, and is entitled to quasi-judicial immunity for acts performed within the scope of the person's duties as a guardian ad litem. [PL 2001, c. 253, §2 (AMD).]

SECTION HISTORY

PL 1985, c. 581, §1 (NEW). PL 1989, c. 617, §2 (AMD). PL 1997, c. 393, §C2 (AMD). PL 2001, c. 253, §2 (AMD).

CHAPTER 32

CHILDREN'S GUARDIANS AD LITEM

§1551. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 2013, c. 406, §1 (NEW).]

1. Division. "Division" means the Family Division within the District Court established in section 183.

[PL 2013, c. 406, §1 (NEW).]

2. Guardian ad litem. "Guardian ad litem" means a person appointed as the court's agent to represent the best interests of one or more children pursuant to Title 18-C, section 1-111, Title 19-A, section 1507 or Title 22, section 4005.
[PL 2017, c. 402, Pt. C, §8 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Best interests of the child. "Best interests of the child" means an outcome that serves or otherwise furthers the health, safety, well-being, education and growth of the child. In applying the standard of best interests of the child in Title 18-C and Title 19-A cases, the relevant factors set forth in Title 19-A, section 1653, subsection 3 must be considered.
[PL 2017, c. 402, Pt. C, §9 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2017, c. 402, Pt. C, §§8, 9 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§1552. Children's guardians

1. Guardian ad litem roster. The division shall assist the Chief Judge of the District Court in the establishment and maintenance of a roster of guardians ad litem pursuant to section 1553.
[PL 2013, c. 406, §1 (NEW).]

2. Administration of guardians ad litem under Title 19-A. For guardians ad litem appointed under Title 19-A, the division shall assist the Chief Judge of the District Court in:

A. Establishing standardized billing, itemization requirements and time reporting processes for all guardians ad litem; [PL 2013, c. 406, §1 (NEW).]

B. Establishing guidelines for preparation of required reports; and [PL 2013, c. 406, §1 (NEW).]

C. Collecting, maintaining and reporting data about orders of appointment, submission of required reports, caseloads and other information as directed by the Chief Judge of the District Court. [PL 2013, c. 406, §1 (NEW).]
[PL 2013, c. 406, §1 (NEW).]

3. Staff. The State Court Administrator shall provide necessary professional and clerical or other staff and logistical support to the division within the limit of funds available.
[PL 2013, c. 406, §1 (NEW).]

4. Public information. The division shall provide public information about the role of guardians ad litem, how to provide comments about a guardian ad litem and the complaint process established pursuant to section 1557.
[PL 2013, c. 406, §1 (NEW).]

5. Effective date. This section takes effect January 1, 2015.
[PL 2013, c. 406, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW).

§1553. Roster of guardians ad litem

Rules adopted by the Supreme Judicial Court govern the establishment and maintenance of a roster of guardians ad litem. The rules must address: [PL 2013, c. 406, §1 (NEW).]

1. Application process. The process for applying to be included on the roster, including application forms;
[PL 2013, c. 406, §1 (NEW).]

2. Criteria. Criteria for initial listing on the roster, including:

A. Credentials, including professional licenses and minimum education requirements; [PL 2013, c. 406, §1 (NEW).]

B. Core training. Core training must include no less than 6 hours on domestic abuse and violence, developed and provided in collaboration with a statewide coalition of domestic violence resource centers, on the following topics:

(1) The domestic abuse tactics affecting adult and child safety and security after separation;

(2) The effects of domestic abuse and violence on children and conditions that support resilience;

(3) Best practices for recognizing, asking about and assessing the effects of abuse on the parenting relationship; and

(4) Methods for reducing post-separation abuse of the nonabusive parent and promoting child safety and security; and [PL 2021, c. 351, §1 (AMD); PL 2021, c. 351, §3 (AFF).]

C. Good character; [PL 2013, c. 406, §1 (NEW).]
[PL 2021, c. 351, §1 (AMD); PL 2021, c. 351, §3 (AFF).]

3. Continuing education. Continuing education requirements, including no less than 2 hours of training annually on the impact of domestic abuse and violence on children, the services available in the State for victims of domestic abuse and violence and their children and interventions for those who commit domestic abuse and violence;
[PL 2021, c. 351, §2 (AMD); PL 2021, c. 351, §3 (AFF).]

4. Criminal background check. Obtaining criminal history record information on an individual, including, at a minimum, criminal history record information from the Department of Public Safety, State Bureau of Identification;
[PL 2013, c. 406, §1 (NEW).]

5. Other requirements. Any other requirements necessary to remain in good standing and included on the roster; and
[PL 2013, c. 406, §1 (NEW).]

6. Removal. The process for removing a guardian ad litem from the roster.
[PL 2013, c. 406, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2021, c. 351, §§1, 2 (AMD). PL 2021, c. 351, §3 (AFF).

§1554. Guardian ad litem responsibilities

1. Role of guardian ad litem. The court may appoint a guardian ad litem to provide information to assist the court in determining the best interests of the child involved in the determination of parental rights and responsibilities and guardianship of a minor under Title 18-C, in the determination of parental rights and responsibilities under Title 19-A, section 904 or 1653 and in the determination of contact with grandparents under Title 19-A, section 1803. The court shall appoint a guardian ad litem in a child protection case under Title 22, chapter 1071.
[PL 2017, c. 402, Pt. C, §10 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Standards of conduct. Guardians ad litem shall abide by the standards of conduct as adopted by rule by the Supreme Judicial Court.
[PL 2013, c. 406, §1 (NEW).]

3. General responsibilities. A person appointed by the court to serve as a guardian ad litem acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem. As a quasi-judicial officer, the guardian ad litem shall perform the

assigned duties independently and impartially in all relevant matters within the scope of the order of appointment, respecting the court's obligation to dispose of all judicial matters promptly, efficiently and fairly as provided in the Maine Code of Judicial Conduct. A guardian ad litem shall:

A. Represent consistently the best interests of the child and provide information to the court that assists the court in determining the best interests of the child; [PL 2013, c. 406, §1 (NEW).]

B. Understand and uphold the law and court orders related to the guardian ad litem's appointment; [PL 2013, c. 406, §1 (NEW).]

C. Maintain the highest standards of professionalism, cultural sensitivity and ethics; [PL 2013, c. 406, §1 (NEW).]

D. Recognize that timely resolution of each matter serves the best interests of the child and the child's need for stability; [PL 2013, c. 406, §1 (NEW).]

E. Within the scope of authority defined by statute or court order, plan, carry out, document and complete thorough, appropriate and fair investigations in a timely fashion; [PL 2013, c. 406, §1 (NEW).]

F. Communicate in a developmentally appropriate way with the child; [PL 2013, c. 406, §1 (NEW).]

G. Make well-reasoned and factually based written recommendations regarding the best interests of the child as directed by the order of appointment; [PL 2013, c. 406, §1 (NEW).]

H. Pursuant to the order of appointment, include parties in the investigation, use effective communication techniques, recognize limitations that may be imposed by the financial resources of the parties as applicable and be aware of the cultural and socioeconomic status of the parties; and [PL 2013, c. 406, §1 (NEW).]

I. Complete assignments and written reports in a timely manner and communicate effectively with the court in motions, reports, recommendations and testimony. [PL 2013, c. 406, §1 (NEW).]

[PL 2013, c. 406, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2017, c. 402, Pt. C, §10 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§1555. Appointment of guardians ad litem in Title 18-C and Title 19-A cases

1. Appointment of guardian ad litem. In proceedings to determine parental rights and responsibilities and guardianship of a minor under Title 18-C and in contested proceedings pursuant to Title 19-A, section 904, 1653 or 1803 in which a minor child is involved, the court may appoint a guardian ad litem for the child when the court has reason for special concern as to the welfare of the child. The court may appoint a guardian ad litem on the court's own motion, on the motion of one of the parties or upon agreement of the parties.

A. A court may appoint, without any findings, any person listed on the roster. In addition, when a suitable guardian ad litem included on the roster is not available for appointment, a court may, for good cause shown and after consultation with the parties, appoint an attorney admitted to practice in this State who, after consideration by the court of all of the circumstances of the particular case, in the opinion of the appointing court has the necessary skills and experience to serve as a guardian ad litem. For the purposes of this paragraph, good cause may include the appointment of a guardian ad litem on a pro bono basis. [PL 2013, c. 406, §1 (NEW).]

B. In determining whether to make an appointment, the court shall consider:

(1) The wishes of the parties;

(2) The age of the child;

(3) The nature of the proceeding, including the contentiousness of the hearing;

(4) The financial resources of the parties;

(5) The extent to which a guardian ad litem may assist in providing information concerning the best interests of the child;

(6) Whether the family has experienced a history of domestic abuse;

(7) Abuse of the child by one of the parties; and

(8) Other factors the court determines relevant. [PL 2013, c. 406, §1 (NEW).]
[PL 2017, c. 402, Pt. C, §11 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Order. An appointment of a guardian ad litem must be by court order.

A. The appointment order must be written on a court-approved form and must specify the guardian ad litem's length of appointment, the specific duties for the particular case, including the filing of a written report, and fee arrangements. [PL 2013, c. 406, §1 (NEW).]

B. The guardian ad litem has no authority to perform and may not be expected to perform any duties beyond those specified in the appointment order, unless subsequently ordered to do so by the court. [PL 2013, c. 406, §1 (NEW).]

C. If, in order to perform any specified duties, the guardian ad litem needs information concerning the child or parents, the court may order the parents to sign an authorization form allowing the release of the necessary information. The court order may specify that the guardian ad litem must be allowed access to the child by the caretakers of the child, whether the caretakers are individuals, authorized agencies or child care providers. [PL 2013, c. 406, §1 (NEW).]

D. When appointment of the guardian ad litem or the fee arrangements for payment of the guardian ad litem are not agreed to by the parties, the court shall state in the appointment order its findings, based on the criteria stated in this section, supporting the appointment of the guardian ad litem and the fee payment order. [PL 2013, c. 406, §1 (NEW).]
[PL 2013, c. 406, §1 (NEW).]

3. Payment for services; fees and billing; enforcement. The order under subsection 2 must specify that payment for the services of the guardian ad litem is the responsibility of the parties, with the terms of payment specified in the order.

A. The fee arrangements in the order must specify hourly rates or a flat fee, the timing of payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court. If the payments ordered to be made before the guardian ad litem commences the investigation, if any, are not paid as ordered, the guardian ad litem shall notify the court, and the court may vacate the appointment order or take such other action it determines appropriate under the circumstances. [PL 2013, c. 406, §1 (NEW).]

B. In determining the responsibility for payment, the court shall consider:

(1) The income of the parties;

(2) The marital and nonmarital assets of the parties;

(3) The division of property made or anticipated as part of the final divorce or separation;

(4) Which party requested appointment of a guardian ad litem; and

(5) Other factors considered relevant by the court, which must be stated with specificity in the appointment order. [PL 2013, c. 406, §1 (NEW).]

C. The guardian ad litem shall use standardized billing, itemization requirements and time reporting processes as established by the division. The guardian ad litem may collect fees, if a collection action is necessary, pursuant to Title 14 and may not pursue collection in the action in which the guardian ad litem is appointed. [PL 2013, c. 406, §1 (NEW).]

[PL 2013, c. 406, §1 (NEW).]

4. Best interests of the child. In performance of duties specified in the appointment order, the guardian ad litem shall use the standard of the best interests of the child.

[PL 2013, c. 406, §1 (NEW).]

5. Wishes of the child. The guardian ad litem shall make the wishes of the child known to the court if the child has expressed them, regardless of the recommendation of the guardian ad litem.

[PL 2013, c. 406, §1 (NEW).]

6. Report. The guardian ad litem shall provide a copy of each report ordered by the court to the parties and the court at least 14 days before each report is due. A guardian ad litem shall provide a copy of the final written report to the parties and the court at least 14 days in advance of the final hearing. Reports are admissible as evidence and subject to cross-examination and rebuttal, whether or not objected to by a party. Any objections to a report must be filed at least 7 days before the applicable hearing.

[PL 2013, c. 406, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2017, c. 402, Pt. C, §11 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). RR 2019, c. 1, Pt. A, §3 (COR).

§1556. Appointment of guardian ad litem in child protection cases under Title 22

1. Appointment of guardian ad litem. An order appointing a guardian ad litem pursuant to Title 22, section 4005 must specify the terms and conditions of the appointment as provided in Title 22, this chapter and rules adopted by the Supreme Judicial Court.

[PL 2013, c. 406, §1 (NEW).]

2. Order. An appointment of a guardian ad litem must be by court order.

A. The appointment order must be written on a court-approved form and must specify the guardian ad litem's length of appointment and specific duties, including the filing of a written report. [PL 2013, c. 406, §1 (NEW).]

B. The guardian ad litem has no authority to perform and may not be expected to perform any duties beyond those specified in the appointment order, unless subsequently ordered to do so by the court. [PL 2013, c. 406, §1 (NEW).]

C. In pursuit of the best interests of the child, the guardian ad litem must be given access to all reports and records relevant to the case and shall investigate to ascertain the facts. [PL 2013, c. 406, §1 (NEW).]

D. The guardian ad litem must be provided access to the child by any agency or person. [PL 2013, c. 406, §1 (NEW).]

E. The guardian ad litem shall file such reports, motions, responses or objections as necessary and appropriate to the stage of the case to assist the court in identifying the best interests of the child and provide copies to all parties of record. [PL 2013, c. 406, §1 (NEW).]

F. The guardian ad litem shall appear at all child protection proceedings, unless previously excused by order of the court, and other proceedings as ordered by the court. The guardian ad litem may present evidence and ensure that, when appropriate, witnesses are called and examined, including, but not limited to, foster parents and psychiatric, psychological, medical or other expert witnesses.

If the guardian ad litem testifies, the guardian ad litem must be duly sworn as a witness and be subject to cross-examination. In the event any new developments or significant changes in the child's circumstances occur during the pendency of the court process, the guardian ad litem may file appropriate pleadings. [PL 2013, c. 406, §1 (NEW).]

G. The guardian ad litem shall protect the interests of the child who is a witness in any judicial proceeding relating to the case in which the guardian ad litem has been appointed. The guardian ad litem may advocate for special procedures, including, but not limited to, special procedures to protect the child witness from unnecessary psychological harm resulting from the child's testimony, with or without the consent of other parties. [PL 2013, c. 406, §1 (NEW).]

H. The guardian ad litem shall recommend appropriate services, by motion for court order if necessary, to access entitlements, to protect the child's interests and to implement a service plan. [PL 2013, c. 406, §1 (NEW).]

I. The hourly rate of compensation for the guardian ad litem may not be less than the rate of compensation established by the Maine Commission on Public Defense Services pursuant to section 1804, subsection 3, paragraph F. Nothing in this paragraph prohibits the court from establishing maximum fees and other reasonable requirements relating to guardian ad litem billing and compensation. [PL 2015, c. 439, §1 (NEW); PL 2015, c. 439, §3 (AFF); PL 2023, c. 558, §13 (REV).]

[PL 2015, c. 439, §1 (AMD); PL 2015, c. 439, §3 (AFF); PL 2023, c. 558, §13 (REV).]

3. Best interests of the child. In performance of duties specified in the appointment order, the guardian ad litem shall use the standard of the best interests of the child.
[PL 2013, c. 406, §1 (NEW).]

4. Wishes of the child. The guardian ad litem shall make the wishes of the child known to the court if the child has expressed them, regardless of the recommendation of the guardian ad litem.
[PL 2013, c. 406, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2015, c. 439, §1 (AMD). PL 2015, c. 439, §3 (AFF). PL 2023, c. 558, §13 (REV).

§1557. Complaint process

1. Rules. The Supreme Judicial Court shall provide by rule for a complaint process concerning guardians ad litem appointed under Title 18-C, Title 19-A and Title 22 that provides for at least the following:

A. The ability of a party to make a complaint before the final judgment as well as after the final judgment is issued; [PL 2013, c. 406, §1 (NEW).]

B. Written instructions on how to make a complaint; [PL 2013, c. 406, §1 (NEW).]

C. Clear criteria for making a complaint; [PL 2013, c. 406, §1 (NEW).]

D. Transparent policies and procedures concerning the investigation of complaints and the provision of information to complainants; [PL 2013, c. 406, §1 (NEW).]

E. A central database to log and track complaints; and [PL 2013, c. 406, §1 (NEW).]

F. Policies and procedures for using complaints and investigations for recommending the removal of a guardian ad litem from a particular case or other consequences or discipline. [PL 2013, c. 406, §1 (NEW).]

[PL 2017, c. 402, Pt. C, §12 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Complaint process. The division shall provide written and electronic information to communicate the complaint process to the public and to all parties.
[PL 2013, c. 406, §1 (NEW).]

3. Minor complaint option. The rules may provide for a minor complaint option that authorizes corrective action without the necessity of completing the full complaint and investigatory process.
[PL 2013, c. 406, §1 (NEW).]

4. Motion to remove. The complaint process adopted pursuant to this section is in addition to the right of a party to file a motion to remove the guardian ad litem while the case is pending. The court shall hold a hearing on the motion at the request of the party filing the motion. The motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.
[PL 2013, c. 406, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2017, c. 402, Pt. C, §12 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§1558. Repeal

(REPEALED)

SECTION HISTORY

PL 2013, c. 406, §1 (NEW). PL 2017, c. 138, §1 (RP).

CHAPTER 33

MAINE GOVERNMENTAL FACILITIES AUTHORITY

§1601. Short title

This chapter is known and may be cited as the "Maine Governmental Facilities Authority Act."
[PL 1997, c. 523, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §2 (AMD).

§1602. Maine Governmental Facilities Authority; members; compensation

1. Establishment; membership. The Maine Governmental Facilities Authority is created as a body corporate and politic and a public instrumentality of the State. The exercise by the authority of powers conferred by this chapter is considered to be the performance of essential governmental functions. The authority consists of 5 members, one of whom is the Treasurer of State, serving as an ex officio, voting member, one of whom is the Commissioner of Administrative and Financial Services, serving as an ex officio, voting member, and 3 other members who shall each serve for a term of 5 years and are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government and confirmation by the Legislature. Any member of the authority may be removed by the Governor for cause. In the event of vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of that term. Each member of the authority shall serve until that member's successor is appointed and qualified. Any member of the authority is eligible for reappointment.

A. The initial appointed members of the authority are appointed in a manner to stagger the terms of the members. Of the initial 3 appointed members, one is appointed to a term of 3 years; one is

appointed to a term of 4 years and one is appointed to a term of 5 years. [PL 1997, c. 523, §2 (AMD).]

[PL 1997, c. 523, §2 (AMD).]

2. Oath. Each member of the authority before commencing the member's duties shall take an oath to administer the duties of that office faithfully and impartially and that oath must be filed in the office of the Secretary of State.

[PL 1997, c. 523, §2 (AMD).]

3. Officers; quorum. The authority shall elect from its membership a chair and a vice-chair. In addition, the authority may have a secretary and a treasurer, who may be members or nonmembers of the authority. Three members of the authority constitute a quorum and the vote of 3 members is necessary for any action taken by the authority. A vacancy in the membership of the authority does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

The authority may meet by telephonic, video, electronic or other similar means of communication with less than a quorum assembled physically at the location of a public proceeding identified in the notice required by Title 1, section 406 only if:

A. Each member can hear all other members, speak to all other members and, to the extent reasonably practicable, see all other members by videoconferencing or other similar means of communication during the public proceeding, and members of the public attending the public proceeding at the location identified in the notice required by Title 1, section 406 are able to hear and, to the extent reasonably practicable, see all members participating from other locations by videoconferencing or other similar means of communication; [PL 2015, c. 449, §1 (NEW).]

B. Each member who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication identifies all persons present at the location from which the member is participating; [PL 2015, c. 449, §1 (NEW).]

C. A member who participates while not physically present at the location of the public proceeding identified in the notice required by Title 1, section 406 does so only when the member's attendance is not reasonably practical. The reason that the member's attendance is not reasonably practical must be stated in the minutes of the meeting; and [PL 2015, c. 449, §1 (NEW).]

D. Each member who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication has received prior to the public proceeding all documents and materials discussed at the public proceeding, with substantially the same content as those presented at the public proceeding. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate an action taken by the authority at the public proceeding. [PL 2015, c. 449, §1 (NEW).]

[PL 2015, c. 449, §1 (AMD).]

4. Compensation. Each member of the authority is entitled to compensation in accordance with Title 5, chapter 379. Each member of the authority must be indemnified by the authority against expenses actually and necessarily incurred by the member in connection with the defense of any action or proceeding in which the member is made a party by reason of being or having been a member of the authority, and against any final judgment rendered against the member in that action or proceeding.

[PL 1997, c. 523, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §2 (AMD). PL 2015, c. 449, §1 (AMD).

§1603. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 438, §1 (NEW).]

1. Act. "Act" means the Maine Governmental Facilities Authority Act.
[PL 1997, c. 523, §3 (AMD).]

2. Authority. "Authority" means the Maine Governmental Facilities Authority as established by this Act.
[PL 1997, c. 523, §3 (AMD).]

3. Bonds. "Bonds" means any bonds or securities of the Maine Governmental Facilities Authority issued pursuant to this Act.
[PL 1997, c. 523, §3 (AMD).]

3-A. Career and technical education center.
[PL 2021, c. 635, Pt. X, §1 (RP).]

3-B. Career and technical education region.
[PL 2021, c. 635, Pt. X, §2 (RP).]

4. Cost. "Cost," as applied to a project, projects or part of any project, includes, but is not limited to:

A. The purchase price or acquisition cost of any such project, projects or part of any project; [PL 1987, c. 438, §1 (NEW).]

B. The cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement and remodeling; [PL 1987, c. 438, §1 (NEW).]

C. The cost of all labor, materials, machinery, furniture, fixtures and equipment; [PL 1997, c. 523, §4 (AMD).]

D. The cost of all lands, structures, real or personal property, rights, easements, interests and franchises acquired; [PL 1987, c. 438, §1 (NEW).]

E. The cost of all utility extensions, access roads, site development, financing charges, premiums for insurance, interest prior to and during construction and for 6 months after construction; [PL 1987, c. 438, §1 (NEW).]

F. The cost of working capital related to the project, projects or part of any project; [PL 1987, c. 438, §1 (NEW).]

G. The cost of plans and specifications, surveys and estimates of cost and of revenues; [PL 1987, c. 438, §1 (NEW).]

H. The cost of engineering, feasibility, legal and other professional services; [PL 1987, c. 438, §1 (NEW).]

I. The cost of reserves, insurance, letters of credit or other financial guarantees for payment of debt service on securities; [PL 1997, c. 523, §4 (AMD).]

J. The cost of all other expenses necessary or incident to determining the feasibility or practicability of the project, projects or part of any project; [PL 1987, c. 438, §1 (NEW).]

K. Administrative and operating expenses; and [PL 1987, c. 438, §1 (NEW).]

L. Such other expenses as may be necessary or incident to the project, projects or part of any project and financing or refinancing authorized, including the refunding of any outstanding obligations, mortgages or advances issued, made or given by any person for any of the costs mentioned in this subsection. [PL 1987, c. 438, §1 (NEW).]

[PL 1997, c. 523, §4 (AMD).]

4-A. Equipment purchases.
[PL 2021, c. 635, Pt. X, §3 (RP).]

5. Holder of securities or holder. "Holder of securities" or "holder" or any similar term, when used with reference to securities of the Maine Governmental Facilities Authority, means any person who is the bearer of any outstanding securities of the authority registered to bearer or not registered, or the registered owner of any outstanding securities of the authority that, at the time, are registered other than to bearer.
[PL 1997, c. 523, §5 (AMD).]

6. Notes. "Notes" means any notes of the Maine Governmental Facilities Authority issued pursuant to this Act.
[PL 1997, c. 523, §5 (AMD).]

7. Project, projects or part of any project. "Project, projects or part of any project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a court facility, state office or state activity space and intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government. The structure may include facilities for the use of related agencies of state, county or local government. "Project, projects or part of any project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment and all fixtures, appurtenances and facilities either on, above or under the ground that are used or usable in connection with the structure, and also includes landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project, projects or part of any project" also includes the acquisition, construction, improvement, reconstruction or repair of any equipment, device, technology, software or other personal property intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government or any related agency of state, county or local government. The exact scope of each project, projects or part of any project, other than those for the Judicial Branch and the Legislative Branch, must be set forth in a written designation by the Commissioner of Administrative and Financial Services to the authority, and the exact scope of each project, projects or part of any project for the Judicial Branch must be set forth in a written designation by the State Court Administrator to the authority. The scope of each project for the Legislative Branch must receive a majority vote of the Legislative Council and be set forth in a written designation by the Executive Director of the Legislative Council to the authority. "Project, projects or part of any project" does not include such items as fuel, supplies or other items that are customarily considered as a current operating charge.
[PL 2021, c. 635, Pt. X, §4 (AMD).]

8. Securities. "Securities" means any bonds, notes or other evidences of indebtedness authorized by this Act.
[PL 1987, c. 438, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1989, c. 596, §N1 (AMD). PL 1997, c. 523, §§3-6 (AMD). PL 1997, c. 788, §1 (AMD). PL 2021, c. 398, Pt. SSSS, §§1-4 (AMD). RR 2021, c. 1, Pt. A, §1 (COR). PL 2021, c. 635, Pt. X, §§1-4 (AMD).

§1604. Powers

In order to carry out the purposes of this Act, the Maine Governmental Facilities Authority has the following powers with respect to project, projects or part of any project together with all powers

incidental to those powers or necessary for the performance of the following: [PL 1997, c. 523, §7 (AMD).]

1. Perpetual succession. To have perpetual succession as a body politic and corporate and an instrumentality of the State;
[PL 1997, c. 523, §8 (AMD).]

2. Power to sue and be sued. To sue or initiate or appear in any proceeding and the authority may be sued on its written contracts or in accordance with Title 1, section 409, Title 5, chapter 375 or Title 14, chapter 741;
[PL 1997, c. 523, §8 (AMD).]

3. Official seal. To adopt and have an official seal and alter the seal at pleasure;
[PL 1987, c. 438, §1 (NEW).]

4. Bylaws; rules. To adopt bylaws and, pursuant to Title 5, chapter 375, adopt any rule necessary or useful for carrying out any of its powers or duties pursuant to this Act. Rules adopted by the authority are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A;
[PL 1997, c. 523, §8 (AMD).]

5. Acquire real or personal property. To acquire real or personal property, or any interest in real or personal property, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise, to improve, hold, sell with or without public bidding, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, or any interest in real or personal property, or mortgage interests owned or in its control, custody or possession and release or relinquish any right, title claim, lien, interest, easement or demand, however acquired, including threat of foreclosure;
[PL 1987, c. 438, §1 (NEW).]

6. Prepare and plan projects and facilities. To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipment for the project, projects or part of any project and attendant facilities and from time to time to modify, or cause to be modified, those plans, specifications, designs or estimates;
[PL 1997, c. 523, §8 (AMD).]

7. Improve, furnish and equip project, projects or part of any project and attendant facilities. By contract or contracts to construct, acquire, alter, repair, reconstruct, rehabilitate and improve, and furnish and equip, the project, projects or part of any project and necessary and usual attendant facilities;
[PL 1987, c. 438, §1 (NEW).]

8. Maintain, reconstruct and operate. To maintain, reconstruct and operate, or cause to be maintained, reconstructed and operated, the project, projects or part of any project until the cost of the project, projects or part of any project whether or not the outstanding securities issued with respect to the project, projects or any part of the project are no longer considered outstanding;
[PL 1997, c. 523, §8 (AMD).]

9. Fix and collect fees. To fix and collect fees, rentals and other charges for the use of the project, projects or part of any project; to contract with holders of its securities for the fixing and collection of those fees, rentals and other charges; to provide for the promulgation of such reasonable and proper rules as may be necessary to assure the maximum use of the facilities of any project, projects or part of any project at all times;
[PL 1987, c. 438, §1 (NEW).]

10. Provide for financing or refinancing. To provide financing for any project, projects or part of any project or to provide for refinancing of existing indebtedness, and, for the financing of the project, projects or part of any project and of other necessary and usual attendant facilities, to borrow money and to issue negotiable securities and to provide for the rights of the holders of those securities;

[PL 1987, c. 438, §1 (NEW).]

11. Make and execute contracts and other financial documents. To make and execute contracts and all other instruments, including trust agreements and other financial documents, and enter into such transactions as is necessary or convenient for the exercise of its powers and functions under this Act;
[PL 1987, c. 438, §1 (NEW).]

12. Agreements; acceptions; contributions; aid; grants. To enter into agreements with and accept loans, aid, contributions, grants and the cooperation or assistance of the United States, or any agency of the United States, or of the State or any agency or governmental subdivision in furtherance of the purposes of this Act, including, but not limited to, the development, maintenance, operation and financing of any project, projects or part of any project and to do any and all things necessary in order to avail itself of those loans, aid, contributions, grants and cooperation;
[PL 1987, c. 438, §1 (NEW).]

13. Agreements or other transactions. To enter into agreements or other transactions with any person, the purpose of which is to effectuate the purposes of this Act, including construction agreements, purchase or acquisition agreements and loan or lease agreements, with leasing corporations or other financial intermediaries;
[PL 1987, c. 438, §1 (NEW).]

14. Accept aid or contributions. To receive and accept aid or contributions, from any source, of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this Act, subject to the conditions upon which those grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or the State for any purpose consistent with this Act;
[PL 1987, c. 438, §1 (NEW).]

15. Insurance. To procure insurance against any loss in connection with its securities and its property and other assets in such amounts and from such insurers as it considers desirable;
[PL 1987, c. 438, §1 (NEW).]

16. Modification of contract, lease, indenture or agreement. To the extent permitted under its contract with the holders of securities, to consent to any modification of any contract, lease, indenture or agreement of any kind to which the authority is a party;
[PL 1987, c. 438, §1 (NEW).]

17. Manage or operate real and personal property. To manage or operate, or cause to be managed or operated, real and personal property, take assignments of leases and rentals or take any other action necessary or incidental to the performance of its duties under this Act;
[PL 1997, c. 523, §9 (AMD).]

18. Lease or rent any land, buildings, structures, facilities or equipment. To lease or rent any land, buildings, structures, facilities or equipment comprising all or a portion of a project, projects or part of any project for such amounts as the authority determines to the State or any agency, instrumentality or department of the State or by any branch of State Government or any related agency of state, county or local government, to further the purposes of the Act, except that the obligation of the State or of any such agency, instrumentality, department or branch to make any rental or other payments is considered executory only to the extent of money made available by the Legislature and except that no liability on account of the state agency, instrumentality, department or branch may be incurred by the State or any such agency, instrumentality, department or branch beyond the money available for that purpose;
[PL 2021, c. 635, Pt. X, §5 (AMD).]

19. Secured or unsecured loans. To make secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the cost of any project,

projects or part of any project, including the refunding of any outstanding obligations, mortgages or advances issued, made or given by any person or other entity for the cost of a project, projects or part of any projects;
[PL 1987, c. 438, §1 (NEW).]

20. Investments. Except as otherwise provided in this Act, to invest any funds not needed for immediate use, including any funds held in reserve, in property or securities in which fiduciaries in the State may legally invest funds;
[PL 1987, c. 438, §1 (NEW).]

21. Appearances. To appear in its own behalf before boards, commissions, departments or agencies of municipal, State Government or Federal Government;
[PL 1987, c. 438, §1 (NEW).]

22. Executive director; other employees. To employ an executive director, consulting engineers, architects, attorneys, accountants, construction and financial experts and such other employees and agents as may be necessary in its judgment;
[PL 1989, c. 221, §1 (AMD).]

23. All acts granted or implied. To do any act necessary or convenient to exercise the powers granted in this Act or reasonably implied from this Act;
[PL 1989, c. 221, §1 (AMD).]

24. Contract with Maine Municipal Bond Bank. In carrying out its powers under this section, the authority shall, whenever possible, contract with the Maine Municipal Bond Bank for necessary clerical and administrative services, including use of the Executive Director of the Maine Municipal Bond Bank as the executive director, secretary and treasurer of the authority;
[PL 1997, c. 523, §10 (AMD).]

25. Accept federal funds; gifts and contributions. To accept federal funds, gifts and contributions, which include, but are not limited to, money; annuities and investments; furnishings, including paintings, artifacts and similar items; or anything of value for the purposes set forth in section 1619; and
[PL 1997, c. 523, §11 (AMD).]

26. Delegation to Bureau of General Services. To delegate those powers that the authority may specifically exercise, or cause to be exercised, pursuant to subsection 5, 6, 8, 9, 17 or 18 to the Department of Administrative and Financial Services, Bureau of General Services. The authority may revoke such a delegation upon the failure of the Bureau of General Services to discharge the delegated powers. The Bureau of General Services may provide to the authority an indemnity and hold-harmless agreement with respect to a delegation.
[PL 1997, c. 523, §12 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1989, c. 221, §§1,2 (AMD). PL 1997, c. 523, §§7-12 (AMD). PL 2021, c. 398, Pt. SSSS, §5 (AMD). PL 2021, c. 635, Pt. X, §5 (AMD).

§1605. Leasing or renting property of the authority

For the purposes of this chapter, the authority may lease, rent, assign or otherwise dispose of a project, projects or part of any project only to the State, any agency, instrumentality or department of the State or branch of State Government or any related agency of state, county or local government and the revenues derived by the authority from any lease or rental agreement must be used, as necessary, to pay the principal interest and other associated costs on or with respect to any securities issued pursuant to this chapter. [PL 1997, c. 523, §13 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §13 (AMD).

§1606. Issuance of securities

1. Resolution for issuance of securities. The authority may provide by resolution, at one time or from time to time, for the issuance and sale by it of securities, in its own name, for the purpose of paying the cost of any project, projects or part of any project, or the refinancing of existing indebtedness, approved by the authority. Securities of the authority may not be authorized and issued except pursuant to a resolution adopted by the vote of not less than a majority of the members of the authority. The resolution must describe the general purpose or purposes for which the securities are to be issued and state the maximum principal amount of the securities proposed to be issued. Securities may not be issued by the authority without a 2/3 vote of approval in each House of the Legislature.
[PL 1997, c. 523, §14 (AMD).]

1-A. Resolution for issuance of securities.
[PL 1987, c. 872, §4 (RP).]

2. Limitation on securities issued. The authority may not issue securities in excess of $189,000,000 outstanding at any one time, of which no less than $136,000,000 must be specifically allocated to projects relating to the Judicial Branch, except for the issuance of revenue refunding securities authorized by section 1610 and securities issued under section 1610-A. The amount of securities that may be outstanding in the name of the authority may be increased by the Legislature upon a showing by the authority that its available revenues are sufficient to support additional issuance of securities and that the issuance of securities will not materially impair the credit standing of the authority, the investment status of securities issued by the authority or the ability of the authority to fulfill its commitments to holders of securities. Nothing in this chapter may be construed to authorize the authority to issue securities to fund the construction, reconstruction, purchase or acquisition of facilities without a majority vote of approval in each House of the Legislature.
[PL 2009, c. 213, Pt. WWWW, §1 (AMD).]

3. After issuance. After issuance, all securities of the authority shall be conclusively presumed to be fully and duly authorized and issued under the laws of the State and any person or governmental unit shall be estopped from questioning their authorization, sale, issuance, execution or delivery by the authority.
[PL 1987, c. 438, §1 (NEW).]

4. Form of securities. The securities of each issue must be dated, mature at such time or times not exceeding 40 years from their date or dates and bear interest at such rate or rates, including variable, floating or adjustable rates, as may be authorized by the authority. These securities may be made redeemable, callable or subject to purchase or tender before maturity, at such price or prices and under such terms and conditions as may be provided for by the authority prior to the issuance of the securities. The authority shall determine the form of the securities, including any interest coupons to be attached to the securities, if any, and the manner of execution of the securities and shall fix the denomination or denominations of the securities and the place or places of payment of principal and interest, which may be at any bank, national banking association or trust company within or without the State. Securities must be executed in the name of the authority by the manual or facsimile signature of such official or officials as may be authorized in the resolution to execute those securities. Coupons, if any, attached to securities must be executed with the facsimile signature of the official or officials designated in the resolution. If any official whose signature or a facsimile of whose signature appears on any securities or coupons ceases to be an official before the delivery of the securities, the signature or the facsimile is valid and sufficient for all purposes, with the same effect as if the official had remained in office until the delivery.

Notwithstanding any of the other provisions of this Act or any recitals in any securities issued under this Act, all such securities are deemed to be negotiable instruments issued under the laws of the State.

The securities may be issued in coupon or registered form, or both, as the authority may determine. Provisions may be made for the registration of any coupon securities as to principal alone and as to both principal and interest, and for the reconversion into coupon securities of any securities registered as to both principal and interest. The authority may sell the securities in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the authority.
[RR 2021, c. 1, Pt. B, §48 (COR).]

5. Award and select securities. The power to fix the date of sale of any securities, to receive bids or proposals, to award and sell any securities, to set the terms and provisions of any securities and to take all other action necessary to sell and deliver any securities may be delegated to any officer of the authority by a majority of the members of the authority.
[PL 1987, c. 438, §1 (NEW).]

6. Proceeds of securities. The proceeds of the securities of each issue shall be used solely for the purpose or purposes for which the securities were authorized and shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of the securities or in the trust agreement securing the securities. If the proceeds of the securities, by error of estimates or otherwise, are less than the cost, additional securities may, in like manner, be issued to provide the amount of the deficiency and, unless otherwise provided in the authorizing resolution or in the trust agreement securing the securities, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the securities first issued for the same purpose. The resolution providing for the issuance of securities and any trust agreement securing the securities may contain such limitations upon the issuance of additional securities as the authority may consider proper. Any additional securities shall be issued under such restrictions and limitations as may be prescribed by the resolution or trust agreement. The authority may provide for the replacement of any securities which become mutilated, destroyed, stolen or lost. Securities may be issued under this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the State and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Act.
[PL 1987, c. 438, §1 (NEW).]

7. Use of proceeds. The proceeds of the securities of each issue must be used for the payment of all or part of the cost of the project, projects or part of any project for which authorized and must be disbursed in such manner and under such restrictions as are provided in the resolution authorizing the issuance of the bonds or in the trust agreement securing the securities. Proceeds may be used to pay all costs incurred in issuing the securities, interest on the securities for such time as may be authorized by the authority, subject to the provisions of this Act and to establish reserve funds and sinking funds for the securities.
[PL 1997, c. 523, §16 (AMD).]

8. Interim or temporary securities. Prior to the preparation of definitive securities, the authority may, under like restrictions, issue interim or temporary securities with or without coupons, exchangable for definitive securities when those securities are executed and are available for delivery.
[PL 1987, c. 438, §1 (NEW).]

9. Securing of principal and interest. The principal of and interest on any securities issued by the authority, together with any related costs and expenses, must be secured by a pledge of the revenues and receipts derived by the authority from the project, projects or part of any project financed and from such other revenues of the authority as may be specially pledged by the authority and may be secured by a mortgage covering all or any part of the project, projects or part of any project, including any enlargements of and additions to the project, projects or part of any project made. The resolution under which the securities may be issued and any mortgage may contain any agreements and provisions respecting the maintenance of the project, projects or part of any project covered, the fixing and collection of rents, fees or other charges, the creation and maintenance of special funds from the

revenues and any reserve funds and the rights and remedies available in the event of default, all as the authority considers advisable and not in conflict with the provisions of this Act. Each pledge, agreement and mortgage made for the benefit or security of any of the holders of securities continues in effect until the principal of and interest and any related costs and expenses on the securities for the benefit for which the securities were made have been fully paid.
[PL 1997, c. 523, §16 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1987, c. 816, §KK6 (AMD). PL 1987, c. 859, §§1-3 (AMD). PL 1987, c. 872, §§1-4 (AMD). PL 1991, c. 868 (AMD). PL 1997, c. 523, §§14-16 (AMD). PL 1997, c. 752, §1 (AMD). PL 1997, c. 788, §2 (AMD). PL 1999, c. 127, §A2 (AMD). PL 1999, c. 787, §1 (AMD). PL 2005, c. 460, §1 (AMD). PL 2009, c. 213, Pt. WWWW, §1 (AMD). RR 2021, c. 1, Pt. B, §48 (COR).

§1607. Pledges and covenants; trust agreement

In the discretion of the authority, any securities issued under this Act may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank or national banking association having the powers of a trust company within or without the State. The trust agreement or the resolution providing for the issuance of the securities may pledge or assign all or any portion of the revenues of the authority or any project, projects or part of any project of the authority and may contain such provisions for protecting and enforcing the rights and remedies of the holders of securities as may be reasonable and proper and not in violation of law. The provisions may include covenants setting forth the duties of the authority in relation to the acquisition of property and the construction, reconstruction, renewal, replacement and insurance of any project, projects or part of any project in connection with which the securities have been authorized, the fees, charges or rents to be charged or other payments to be made for the use thereof or payment therefor, and the custody, safeguarding and application of all money. It is lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of securities or of revenues of the authority or any project, projects or part of any project to furnish such indemnifying bonds or to pledge such instruments as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the holders of the securities and of the trustee and may restrict the individual right of action by holders of securities. [PL 1987, c. 438, §1 (NEW).]

Any such trust agreement or other financial document may, to secure the payment of the securities, mortgage or assign the mortgage of any project, projects or part of any project and create a lien upon any or all of the revenues of the authority or any project, projects or part of any project or upon any or all of the real or personal property constituting a part of the project, projects or part of any project. The trust agreement, financial document or resolution may contain such other provisions as the authority may consider reasonable and proper for the security of the holders of securities. [PL 1987, c. 438, §1 (NEW).]

A trust agreement or financial document containing a mortgage or assignment of a mortgage in respect to a project, projects or any part of a project may authorize the trustee or mortgagee in the event of a default as defined, in respect to the securities issued to provide for the costs of the project, projects or any part of a project, to take possession of all or any part of the mortgaged property constituting the project, projects or any part of a project, to hold, operate and manage the project, projects or any part of a project and, with or without such taking of possession, to sell or from time to time to lease the project, projects or any part of a project. A judgment for possession may be without conditions and such a sale or lease shall not be subject to any right to redeem the mortgaged property. Upon satisfaction at any time of the obligations secured by the mortgage in respect to the project, projects or any part of a project, which shall be deemed to include all applicable fees and expenses, any surplus proceeds from the operation, sale or lease of the project, projects or any part of a project shall be paid

to the mortgagor of the project, projects or any part of a project or to those claiming under the mortgagee and, subject to any sale or lease under this paragraph, the mortgaged property in respect to the project, projects or any part of a project shall revert or be returned to the mortgagor or to those claiming under the mortgagee. [PL 1987, c. 438, §1 (NEW).]

All expenses incurred in carrying out the trust agreement, financial document or resolution may be treated as a part of the cost of the operation of a project, projects or part of any project. All pledges of revenues under this Act shall be valid and binding from the time when the pledge is made. All such revenues so pledged and thereafter received by the authority shall immediately be subject to the lien of the pledges without any physical delivery or further action under the Uniform Commercial Code of the State or otherwise. The lien of the pledges shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether the parties have notice of the lien. [PL 1987, c. 438, §1 (NEW).]

Any resolution or resolutions authorizing any securities of any issue of securities, or any trust agreement with respect to any securities, may contain provisions, which shall be a part of the contract or contracts with the holders of the securities, as to: [PL 1987, c. 438, §1 (NEW).]

1. Pledge of full faith and credit of authority. Pledging the full faith and credit of the authority or of all or any specified revenues or assets of the authority to secure the payment of the securities or of any issue of securities, subject to such agreements with holders of securities as may then exist;
[PL 1997, c. 523, §17 (AMD).]

2. Pledging of unencumbered revenues or assets of authority. Pledging all or any part of the unencumbered revenues or assets of the authority to secure the payment of the securities or any issue of securities, subject to such agreements with holders of securities as may then exist;
[PL 1987, c. 438, §1 (NEW).]

3. Setting aside of reserves or sinking funds. Setting aside of reserves or sinking funds and the regulation and disposition of the funds;
[PL 1987, c. 438, §1 (NEW).]

4. Limitations on use of proceeds of sale of securities. Limitations on the purpose to which the proceeds of sale of securities may be applied and pledging of the proceeds to secure the payment of the securities or of any issue of securities;
[PL 1987, c. 438, §1 (NEW).]

5. Limitations on issuance of additional securities. Limitations on the issuance of additional securities, the terms upon which additional securities may be issued and secured and the refunding of outstanding or other securities;
[PL 1987, c. 438, §1 (NEW).]

6. Amendment or abrogation of contract terms; procedure. The procedure, if any, by which the terms of any contract with holders of securities may be amended or abrogated, the amount of securities the holders of which must consent to and the manner in which the consent may be given;
[PL 1987, c. 438, §1 (NEW).]

7. Limitations on money expended by authority for expenses. Limitations on the amount of money to be expended by the authority for operating, administrative or other expenses of the authority;
[PL 1987, c. 438, §1 (NEW).]

8. Trustee, vesting of rights; powers and duties in trust. Vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine which may include any or all of the rights, powers and duties of the trustee appointed for the holders of securities issued pursuant to this Act;
[PL 1987, c. 438, §1 (NEW).]

9. Default. Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the authority to the holders of the securities and providing for the rights and remedies of the holders of the securities in the event of that default, including as a matter of right the appointment of a receiver, but only if the rights and remedies are not inconsistent with the general laws of the State and the other provisions of this Act; and
[PL 1987, c. 438, §1 (NEW).]

10. Other matters. Any other matters of like or different character, which in any way affect the security or protection of the holders of the securities.
[PL 1987, c. 438, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §17 (AMD).

§1608. Trust funds

All money received pursuant to the authority of this Act shall be considered to be trust funds, to be held and applied solely as provided in this Act. Any officer to whom, or any bank, trust company or other fiscal agent or trustee to which, that money is paid shall act as trustee of the money and shall hold and apply the money for the purpose of this Act, subject to such rules as may be adopted by the authority pursuant to this Act and as the resolution or trust agreement may provide. [PL 1987, c. 438, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW).

§1609. Remedies

Any holder of securities issued under this Act or of any of the coupons appertaining to the securities and the trustee under any resolution or trust agreement, except to the extent the rights given may be restricted by the resolution authorizing the issuance of the securities or the trust agreement, or applicable financial document may, either by action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted under this Act or under the resolution, financial document or trust agreement, including the appointment of a receiver and may enforce and compel the performance of all duties required by this Act or by the resolution, financial document or trust agreement to be performed by the authority, including the collecting of rates, rents, fees and charges for the use of any or all of its facilities of any project, projects or part of any project. Any such suit, action or proceeding shall be brought for the benefit of all the holders of the securities and coupons, subject to the terms of any such resolution, trust agreement or financial document. [PL 1987, c. 438, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW).

§1610. Revenue refunding securities

The authority may provide by resolution for the issuance of revenue refunding securities of the authority for the purpose of refunding any obligations of the authority or for the purpose of the refinancing of existing indebtedness, then outstanding, that has been issued or incurred under this Act or otherwise, including the payment of any redemption premium and any interest accrued or to accrue to the date of redemption of those obligations and, if considered advisable by the authority, for the additional purpose of construction or enabling the construction of improvements, extensions, enlargements or additions of the project, projects or part of any project in connection with which the obligations to be refunded were issued. The authority may provide by resolution for the issuance of securities of the authority for the combined purpose of refunding any obligations or revenue refunding securities then outstanding or for the purpose of the refinancing of existing indebtedness that has been

issued or incurred under this Act, or otherwise, including the payment of any redemption premium on that indebtedness and any interest accrued or to accrue to the date of redemption of the obligations and paying all or any part of the cost of selling the securities or acquiring or constructing or enabling the acquisition or construction of any additional project, projects or part of any project, or any improvements, extensions, enlargements or additions of any project, projects or part of any project. The issuance of the securities, the maturities and other details of the securities, the rights and remedies of the holders of the securities and the rights, powers, privileges, duties and obligations of the authority with respect to the securities, are governed by this Act. [PL 1997, c. 523, §18 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §18 (AMD).

§1610-A. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $85,000,000 outstanding at any one time for correctional facilities. [PL 1997, c. 752, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 752, §2 (NEW).

§1610-B. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $33,000,000 outstanding at any one time for a psychiatric treatment facility. [PL 1999, c. 731, Pt. NNN, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 731, §NNN1 (NEW).

§1610-C. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $7,485,000 outstanding at any one time for capital repairs and improvements at various state facilities. [PL 2003, c. 20, Pt. PP, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 20, §PP1 (NEW).

§1610-D. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $9,000,000 outstanding at any one time for preliminary planning costs and capital repairs and improvements at various state facilities. [PL 2005, c. 12, Pt. F, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 12, §F1 (NEW).

§1610-E. Additional securities; compliance with federal law

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $1,000,000 outstanding at any one time to make court facilities comply with the federal Americans with Disabilities Act. [PL 2005, c. 463, §1 (NEW); PL 2005, c. 463, §4 (AFF).]

SECTION HISTORY

PL 2005, c. 463, §1 (NEW). PL 2005, c. 463, §4 (AFF).

§1610-F. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $7,350,000 outstanding at any one time for preliminary planning costs and capital repairs and improvements at various state facilities. [PL 2013, c. 368, Pt. NNN, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 368, Pt. NNN, §1 (NEW).

§1610-G. Additional securities; judicial branch

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $15,000,000 outstanding at any one time for paying the costs associated with planning, purchasing, customizing and implementing a case management, data storage and electronic filing system for the Supreme Judicial Court, Superior Court and District Court, including the violations bureau. [PL 2013, c. 571, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 571, §1 (NEW).

§1610-H. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $23,000,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties. [PL 2015, c. 267, Pt. M, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 267, Pt. M, §1 (NEW).

§1610-I. Additional securities; judicial branch

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities from time to time in an aggregate amount not to exceed $95,600,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the judicial branch in the counties of Oxford, Waldo, Penobscot and York, acquiring and improving property relating to the judicial branch in Hancock County and 55 Lisbon Street in Lewiston, replacing and upgrading ventilation systems in facilities relating to the judicial branch in Presque Isle, Lewiston, Rockland, Skowhegan and West Bath, acquiring and improving property adjacent to the Capital Judicial Center in Augusta for parking and acquiring and improving property in Skowhegan for future expansion and planning for other court facilities. [PL 2025, c. 462, §1 (AMD).]

REVISOR'S NOTE: §1610-I. Additional securities for capital construction, repairs and improvements (As enacted by PL 2015, c. 472, §1 is REALLOCATED TO TITLE 4, SECTION 1610-J)

SECTION HISTORY

PL 2015, c. 468, §1 (NEW). PL 2015, c. 472, §1 (NEW). PL 2017, c. 288, Pt. A, §2 (RAL). PL 2021, c. 451, §1 (AMD). PL 2021, c. 635, Pt. TT, §1 (AMD). PL 2023, c. 17, Pt. O, §1 (AMD). PL 2025, c. 462, §1 (AMD).

§1610-J. Additional securities for capital construction, repairs and improvements

(REALLOCATED FROM TITLE 4, SECTION 1610-I)

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, as limited by section 1610-A, the authority may issue additional securities in an amount not to exceed $149,700,000 outstanding at any one time to pay for capital construction, repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County. [PL 2017, c. 288, Pt. A, §2 (RAL).]

REVISOR'S NOTE: §1610-J. Additional securities for capital repairs and improvements and hazardous waste cleanup (As enacted by PL 2017, c. 284, Pt. FF, §1 is REALLOCATED TO TITLE 4, SECTION 1610-K)

SECTION HISTORY

PL 2017, c. 284, Pt. FF, §1 (NEW). PL 2017, c. 288, Pt. A, §2 (RAL). PL 2017, c. 475, Pt. A, §1 (RAL).

§1610-K. Additional securities for capital repairs and improvements and hazardous waste cleanup

(REALLOCATED FROM TITLE 4, SECTION 1610-J)

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $30,000,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties. [PL 2017, c. 475, Pt. A, §1 (RAL).]

SECTION HISTORY

PL 2017, c. 475, Pt. A, §1 (RAL).

§1610-L. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $55,000,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties. [PL 2019, c. 343, Pt. E, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 343, Pt. E, §1 (NEW).

§1610-M. Additional securities for state-owned facility repair, improvement and construction and hazardous waste cleanup on state-owned property

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $52,910,000 outstanding at any one time for capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties. [PL 2021, c. 398, Pt. D, §1 (NEW).]

REVISOR'S NOTE: §1610-M. Additional securities; career and technical education centers and regions (As enacted by PL 2021, c. 398, Pt. SSSS, §6 is REALLOCATED TO TITLE 4, SECTION 1610-N)

SECTION HISTORY

PL 2021, c. 398, Pt. D, §1 (NEW).

§1610-N. Additional securities; career and technical education centers and regions

(REALLOCATED FROM TITLE 4, SECTION 1610-M)

(REPEALED)

SECTION HISTORY

PL 2021, c. 398, Pt. SSSS, §6 (NEW). RR 2021, c. 1, Pt. A, §2 (RAL). PL 2021, c. 635, Pt. X, §6 (RP).

§1610-O. Additional securities for Department of Inland Fisheries and Wildlife headquarters

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $39,500,000 outstanding at any one time for the purposes of paying the costs associated with the planning, design, renovation, abatement, construction, financing, furnishing and equipping of new and existing facilities to serve as a headquarters for the Department of Inland Fisheries and Wildlife. [PL 2023, c. 412, Pt. E, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 412, Pt. E, §1 (NEW).

§1610-P. Additional securities for capital repairs, improvements and construction and hazardous waste cleanup

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $71,050,000 outstanding at any one time for capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties. [PL 2023, c. 412, Pt. F, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 412, Pt. F, §1 (NEW).

§1610-Q. Additional securities; judicial branch facilities in Androscoggin, Hancock and Somerset counties

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities from time to time in an aggregate amount not to exceed $205,000,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the judicial branch in the counties of Androscoggin, Hancock and Somerset and planning for other court facilities. [PL 2023, c. 684, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 684, §1 (NEW).

§1610-R. Additional securities for capital construction, repairs and improvements and hazardous waste cleanup

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $28,000,000 outstanding at any one time for capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties. [PL 2025, c. 388, Pt. J, §1 (NEW).]

REVISOR'S NOTE: §1610-R. Additional securities; legislative branch (As enacted by PL 2025, c. 454, §1 is REALLOCATED TO TITLE 4, SECTION 1610-T)

SECTION HISTORY

PL 2025, c. 388, Pt. J, §1 (NEW).

§1610-S. Additional securities for correctional facilities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $25,000,000 outstanding at any one time for capital repairs and improvements to and construction of correctional facilities. [PL 2025, c. 388, Pt. J, §2 (NEW).]

SECTION HISTORY

PL 2025, c. 388, Pt. J, §2 (NEW).

§1610-T. Additional securities; legislative branch

(REALLOCATED FROM TITLE 4, SECTION 1610-R)

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $8,000,000 outstanding at any one time for paying the costs associated with planning, purchasing, customizing and implementing an integrated electronic legislative management system to replace the existing system for the Senate and the House of Representatives. [PL 2025, c. 454, §1 (NEW); RR 2025, c. 1, Pt. A, §5 (RAL).]

SECTION HISTORY

PL 2025, c. 454, §1 (NEW). RR 2025, c. 1, Pt. A, §5 (RAL).

§1611. Tax exemption

Securities issued under this Act shall be considered to constitute a proper public purpose and the securities so issued, their transfer and the income from the securities, including any profits made on the sale of the securities, at all times shall be exempt from taxation within the State. [PL 1987, c. 438, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW).

§1612. Governmental functions

The carrying out by the authority of the powers and duties conferred upon it by this Act is considered to be the performance of an essential function. Nothing contained in this Act may in any way limit or restrict the powers and duties of the authority granted to it. [PL 1997, c. 523, §19 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §19 (AMD).

§1613. Liberal construction

This Act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect its purposes. To the extent of any conflict between this Act and any other law, this Act shall prevail, but the power and authority granted by this Act shall be considered to be in addition to and not in derogation of power and authority granted by any other law. [PL 1987, c. 438, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW).

§1614. Securities as legal investment

The securities of the authority are legal investments in which all public officers and public bodies of the State, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, banking associations, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries and all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds, including capital, in their control or belonging to them. The securities are also, by this Act, made securities that may properly and legally be deposited with and received by all public officers and bodies of the State or any agency or political subdivision of the State and all municipalities and public corporations for any purpose for which the deposit of securities of bonds or other obligations of the State may be authorized by law. [PL 2007, c. 466, Pt. A, §3 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 2007, c. 466, Pt. A, §3 (AMD).

§1615. Conflicts

A member of the authority may not participate in any decision on any contract entered into by the authority under this Act if that member has any interest, direct or indirect, in any firm, partnership, corporation or association that may be party to the contract. The interest must be disclosed to the authority in writing and must be set forth in the minutes of the authority. [PL 1997, c. 523, §19 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §19 (AMD).

§1616. Actions against authority

A member of the authority, while acting within the scope of the authority of this Act, may not be subject to any personal liability resulting from the exercise or carrying out of any of the authority's purposes or powers. [PL 1997, c. 523, §19 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §19 (AMD).

§1617. Contract of State

The State pledges and agrees with the holders of securities that the State will not limit or alter the rights vested in the authority to acquire, construct, reconstruct, equip and operate a project, projects or part of any project and related facilities, to establish and collect fees, charges, rentals and other charges referred to in this Act and to fulfill the terms of any agreements made with the holders of the securities or in any way impair the rights and remedies of the holders of securities until the securities, together with interest on securities, interest on any unpaid installments on interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders of securities are fully met and discharged. [PL 1987, c. 438, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW).

§1618. Credit of State not pledged

Securities issued under this Act do not constitute or create any debt or debts, liability or liabilities on behalf of the State or of any political subdivision of the State other than the authority or a loan of the credit of the State or a pledge of the faith and credit of the State or of any political subdivision other than the authority, but are payable solely from the funds provided for that payment. All such securities

must contain on their face a statement to the effect that neither the State nor any political subdivision of the State is obligated to pay the securities or the interest on the securities, except from revenues of the authority or the project, projects or part of any project for which they are issued and that neither the faith and credit nor the taxing power of the State or of any political subdivision of the State is pledged to the payment of the principal of or the interest on the securities. The issuance of securities under this Act does not directly, indirectly or contingently obligate the State or any political subdivision of the State to levy or to pledge any form of taxation whatever or to make any appropriation for their payment. Nothing contained in this section may prevent or be construed to prevent the authority from pledging its full faith and credit to the payment of securities authorized pursuant to this Act. [PL 1997, c. 523, §19 (AMD).]

SECTION HISTORY

PL 1987, c. 438, §1 (NEW). PL 1997, c. 523, §19 (AMD).

§1619. Gifts and contributions

The authority may accept gifts and contributions as provided in section 1604, subsection 25, for the purpose of designing, constructing, reconstructing, renovating or acquiring a project, projects or part of any project, including facilities for the Supreme Judicial Court, in accordance with section 1606, subsection 2. The authority may accept gifts for the purpose of furnishing a project, projects or part of any project, including the facilities of the Supreme Judicial Court. Furnishings include, but are not limited to, paintings, artifacts, furniture and similar articles. [RR 2005, c. 2, §3 (COR).]

1. Acceptance of money. The authority, in accepting gifts of money, federal funds or other types of income, shall place this money in a special account for the purpose for which it is provided. The authority may invest the money as provided in this chapter, subject to any limitations imposed by the donor.
[PL 1989, c. 221, §3 (NEW).]

2. Acceptance of furnishings. The authority, in accepting furnishings for court facilities, shall allocate the furnishings as directed by the donor.
[PL 1989, c. 221, §3 (NEW).]

SECTION HISTORY

PL 1989, c. 221, §3 (NEW). PL 1997, c. 523, §20 (AMD). RR 2005, c. 2, §3 (COR).

§1620. Continuing disclosure

With respect to any securities of the authority, the Treasurer of State may enter into any agreement for the benefit of holders of securities of the authority to provide annual financial information with respect to the State in order to assist underwriters of the securities of the authority in complying with any applicable regulation promulgated by the United States Securities and Exchange Commission with respect to annual financial information. [PL 1997, c. 523, §21 (NEW).]

SECTION HISTORY

PL 1997, c. 523, §21 (NEW).

CHAPTER 35

JUDICIAL COMPENSATION COMMISSION

§1701. Judicial Compensation Commission

(REPEALED)

SECTION HISTORY

PL 1995, c. 451, §1 (NEW). PL 1995, c. 509, §1 (AMD). PL 1995, c. 509, §8 (AFF). RR 1997, c. 2, §7 (COR). PL 1999, c. 547, §B13 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 563, §2 (AMD). PL 2017, c. 242, §3 (RP).

§1702. Repeal

(REPEALED)

SECTION HISTORY

PL 1995, c. 451, §1 (NEW). PL 1997, c. 643, §M13 (RP).

CHAPTER 37

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

§1801. Maine Commission on Public Defense Services; established

The Maine Commission on Public Defense Services, established by Title 5, section 12004-G, subsection 25-A, is an independent commission whose purpose is to provide high-quality, effective and efficient representation and promote due process for persons who receive indigent legal services in parity with the resources of the State and consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest. [PL 2023, c. 638, §1 (AMD).]

SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2023, c. 558, §3 (AMD). PL 2023, c. 638, §1 (AMD).

§1802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 419, §2 (NEW).]

1. Assigned counsel. "Assigned counsel" means a private attorney designated by the commission to provide indigent legal services at public expense.
[PL 2009, c. 419, §2 (NEW).]

1-A. Appellate counsel. "Appellate counsel" means an attorney who is entitled to payment under Title 15, section 2115-A, subsection 8 or 9.
[PL 2013, c. 159, §10 (NEW).]

2. Commission. "Commission" means the Maine Commission on Public Defense Services under section 1801.
[PL 2023, c. 558, §4 (AMD).]

3. Contract counsel. "Contract counsel" means a private attorney under contract with the commission to provide indigent legal services.
[PL 2009, c. 419, §2 (NEW).]

3-A. Employed counsel. "Employed counsel" means an attorney employed by the commission to provide indigent legal services in civil proceedings.
[PL 2025, c. 415, §1 (AMD).]

4. Indigent legal services. "Indigent legal services" means legal representation provided to:

A. An indigent defendant in a criminal case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; [PL 2009, c. 419, §2 (NEW).]

B. An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; [PL 2019, c. 427, §1 (AMD).]

C. Juvenile defendants; and [PL 2019, c. 427, §1 (AMD).]

D. An indigent defendant or party or a juvenile for the purpose of filing, on behalf of that indigent defendant or party or juvenile, a petition for certiorari to the Supreme Court of the United States from an adverse decision of the Law Court on a case for which services were previously provided to that defendant or party or juvenile pursuant to paragraph A, B or C. [PL 2019, c. 427, §2 (NEW).]

"Indigent legal services" does not include the services of a guardian ad litem appointed pursuant to Title 22, section 4005, subsection 1.
[PL 2021, c. 676, Pt. A, §3 (AMD).]

5. Public defender. "Public defender" means an attorney employed by the commission to provide indigent legal services in criminal and juvenile proceedings.
[PL 2025, c. 415, §2 (AMD).]

SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2013, c. 159, §10 (AMD). PL 2019, c. 427, §§1, 2 (AMD). PL 2021, c. 676, Pt. A, §3 (AMD). PL 2023, c. 558, §4 (AMD). PL 2023, c. 638, §§2, 3 (AMD). PL 2025, c. 415, §§1, 2 (AMD).

§1802-A. Employed counsel and public defender

An attorney may be employed by the commission both as "employed counsel" and as a "public defender." [PL 2023, c. 638, §4 (NEW).]

SECTION HISTORY

PL 2023, c. 638, §4 (NEW).

§1803. Commission structure

1. Members; appointment; chair. The commission consists of 9 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Governor shall designate one member to serve as chair of the commission. The membership consists of the following:

A. One member from a list of qualified potential appointees, provided by the President of the Senate; [PL 2017, c. 430, §1 (NEW).]

B. One member from a list of qualified potential appointees, provided by the Speaker of the House of Representatives; [PL 2017, c. 430, §1 (NEW).]

C. Three members from a list of qualified potential appointees, provided by the Chief Justice of the Supreme Judicial Court; [PL 2017, c. 430, §1 (NEW).]

D. One member with experience in administration and finance; [PL 2017, c. 430, §1 (NEW).]

E. One member with experience providing representation in child protection proceedings; [PL 2017, c. 430, §1 (NEW).]

F. One member from a list of qualified potential appointees who are attorneys engaged in the active practice of law and provide indigent legal services, provided by the president of the Maine State

Bar Association. This member is a nonvoting member of the commission; and [PL 2017, c. 430, §1 (NEW).]

G. One member from a list of qualified potential appointees who are attorneys engaged in the active practice of law and provide indigent legal services, provided by the president of a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. This member is a nonvoting member of the commission. [PL 2017, c. 430, §1 (NEW).]

In determining the appointments and recommendations under this subsection, the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Judicial Court, the president of the Maine State Bar Association and the president of the statewide organization that represents criminal defense attorneys shall consider input from individuals and organizations with an interest in the delivery of indigent legal services. Recommendations provided by the president of the Maine State Bar Association and the president of the statewide organization representing criminal defense attorneys must consist of attorneys providing indigent legal services as a majority of their law practices.
[PL 2017, c. 430, §1 (RPR).]

2. Qualifications. Individuals appointed to the commission must have demonstrated a commitment to quality representation for persons who are indigent and have the knowledge required to ensure that quality of representation is provided in each area of law. No more than 7 members may be attorneys engaged in the active practice of law. A person who is a sitting judge, prosecutor or law enforcement official, or an employee of such a person, may not be appointed to the commission. A voting member and the immediate family members living in the same household as the member may not receive compensation from the commission, other than that authorized in Title 5, section 12004-G, subsection 25-A, while the member is serving on the commission.

The limitations on members receiving compensation from the commission do not apply to any member serving on the commission as of April 1, 2018 for the duration of the member's term.
[PL 2017, c. 430, §2 (AMD).]

3. Terms. Members of the commission are appointed for terms of 3 years each, except that of those first appointed the Governor shall designate 2 whose terms are only one year, 2 whose terms are only 2 years and one whose term is 3 years. A member may not serve more than 2 consecutive 3-year terms plus any initial term of less than 3 years.

A member of the commission appointed to fill a vacancy occurring otherwise than by expiration of term is appointed only for the unexpired term of the member succeeded.
[PL 2009, c. 419, §2 (NEW).]

4. Quorum. A quorum is a majority of the current voting members of the commission . A vacancy in the commission does not impair the power of the remaining members to exercise all the powers of the commission.
[PL 2017, c. 430, §2 (AMD).]

5. Compensation. Each member of the commission is eligible to be compensated as provided in Title 5, chapter 379.
[PL 2009, c. 419, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2017, c. 430, §§1, 2 (AMD).

§1804. Commission responsibilities

1. Executive director. The commission shall hire an executive director. The executive director must be an attorney licensed to practice law in this State; be a member in good standing of the bar of

the State; and have experience in the legal field, including, but not limited to, the provision of indigent legal services.
[PL 2023, c. 638, §5 (AMD).]

2. Rulemaking. The commission shall adopt rules governing the delivery of indigent legal services by assigned counsel, contract counsel, employed counsel and public defenders. The rules adopted by the commission must include:

A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees and the cost of private legal services in the relevant geographic area; [PL 2023, c. 344, §1 (AMD).]

B. Standards prescribing minimum experience, training and other eligibility requirements for attorneys to be eligible to serve as assigned counsel, contract counsel, employed counsel and public defenders; [PL 2023, c. 638, §6 (AMD).]

C. Standards for assigned counsel, contract counsel, employed counsel and public defender caseloads; [PL 2023, c. 638, §6 (AMD).]

D. Standards for the evaluation of assigned counsel, contract counsel, employed counsel and public defenders. The commission shall review the standards developed pursuant to this paragraph at least every 5 years, or earlier upon the recommendation of the executive director; [PL 2023, c. 638, §6 (AMD).]

E. Standards for independent, high-quality, effective and efficient representation of clients whose cases present conflicts of interest; [PL 2023, c. 638, §6 (AMD).]

F. Standards for the reimbursement of expenses incurred by assigned counsel, contract counsel, employed counsel and public defenders, including attendance at training events provided by the commission; and [PL 2023, c. 638, §6 (AMD).]

G. Other standards considered necessary and appropriate to ensure the delivery of high-quality, effective and efficient indigent legal services. [PL 2023, c. 638, §6 (AMD).]
[PL 2023, c. 638, §6 (AMD).]

3. Duties. The commission shall:

A. Develop and maintain a system that employs employed counsel and public defenders, uses appointed private attorneys and contracts with individual attorneys or groups of attorneys to provide high-quality, effective and efficient indigent legal services. The commission shall consider other programs necessary to provide high-quality, effective and efficient indigent legal services; [PL 2025, c. 415, §3 (AMD).]

B. Develop and maintain an assigned counsel voucher review and payment authorization system that includes disposition information; [PL 2017, c. 284, Pt. UUUU, §3 (AMD).]

C. Establish processes and procedures consistent with commission standards to ensure that office and contract personnel use information technology and caseload management systems so that detailed expenditure and indigent legal services caseload data are accurately collected, recorded and reported; [PL 2023, c. 638, §8 (AMD).]

D. To ensure an adequate pool of qualified attorneys, develop training and evaluation programs for attorneys throughout the State to provide representation in criminal, juvenile, child protective, involuntary commitment and all other types of proceedings for which parties may be eligible to receive indigent legal services; [PL 2023, c. 638, §9 (RPR).]

E. Establish minimum eligibility standards to ensure that attorneys who provide indigent legal services are capable of providing high-quality, effective and efficient representation in the case

types to which they are assigned, recognizing that high-quality, effective and efficient representation in each of these types of cases requires counsel with experience and specialized training in that field; [PL 2023, c. 638, §10 (AMD).]

F. Establish rates of compensation for assigned counsel and contract counsel; [PL 2023, c. 344, §3 (AMD).]

G. Establish a method for accurately tracking, monitoring and enforcing caseload standards for assigned counsel, contract counsel, employed counsel and public defenders; [PL 2023, c. 638, §11 (AMD).]

H. By January 15th of each year, submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system. The report must include:

(1) An evaluation of contracts; services provided by contract counsel, assigned counsel, employed counsel and public defenders; any contracted professional services; and cost containment measures; and

(2) An explanation of the relevant law changes to the indigent legal services covered by the commission and the effect of the changes on the quality of representation and costs.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation on matters related to the report; [PL 2023, c. 638, §12 (AMD).]

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; [PL 2013, c. 159, §11 (AMD).]

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

(1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; [PL 2017, c. 284, Pt. UUUU, §5 (AMD).]

K. Pay appellate counsel; [PL 2017, c. 284, Pt. UUUU, §6 (AMD).]

L. Establish processes and procedures to acquire investigative and expert services that may be necessary for a case, including contracting for such services; [PL 2019, c. 427, §3 (AMD).]

M. Establish procedures for handling complaints about the performance of counsel providing indigent legal services; [PL 2021, c. 481, §2 (AMD).]

N. Develop a procedure for approving requests by counsel for authorization to file a petition as described in section 1802, subsection 4, paragraph D; [PL 2023, c. 394, Pt. A, §1 (AMD).]

O. Establish a system to audit financial requests and payments that includes the authority to recoup payments when necessary. The commission may summon persons and subpoena witnesses and

compel their attendance, require production of evidence, administer oaths and examine any person under oath as part of an audit. Any summons or subpoena may be served by registered mail with return receipt. Subpoenas issued under this paragraph may be enforced by the Superior Court; and [PL 2023, c. 394, Pt. A, §2 (AMD).]

P. Develop and maintain a registry of names, telephone numbers and other contact information for attorneys who provide legal services to persons who are incarcerated. The commission shall on a weekly basis provide these names, telephone numbers and other contact information to all sheriffs' offices and to the Department of Corrections. On the Monday following transmission of the information, the sheriffs' offices and the Department of Corrections have constructive notice that communications to and from these attorneys by residents of jails and correctional facilities are subject to the attorney-client privilege. The attorneys' names, telephone numbers and other contact information are confidential. [PL 2023, c. 394, Pt. A, §3 (NEW).]

[PL 2025, c. 415, §3 (AMD).]

4. Powers. The commission may:

A. Establish and maintain a principal office and other offices within the State as it considers necessary; [PL 2009, c. 419, §2 (NEW).]

B. Meet and conduct business at any place within the State; [PL 2009, c. 419, §2 (NEW).]

C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed; [PL 2009, c. 419, §2 (NEW).]

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish rates of compensation for assigned counsel and contract counsel under subsection 3, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; [PL 2023, c. 638, §13 (AMD).]

E. Appear in court and before other administrative bodies represented by its own attorneys; and [PL 2023, c. 638, §14 (AMD).]

F. Notwithstanding Title 5, chapter 155, through employed counsel and public defenders, retain investigative and expert services that are reasonably necessary for case-specific purposes. For purposes of this paragraph, investigative and expert services are for case-specific purposes if the services relate to a specific case and not to the ongoing activities of the commission, or its employees, that do not relate to a specific case. Nothing in this paragraph affects the applicability of Title 5, chapter 155 to the purchase of services, supplies, materials and equipment by the commission or its employees for purposes that are not case-specific purposes. [PL 2023, c. 638, §15 (NEW).]

[PL 2023, c. 638, §§13-15 (AMD).]

SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2011, c. 141, §1 (AMD). PL 2011, c. 420, Pt. C, §1 (AMD). PL 2013, c. 159, §§11-13 (AMD). PL 2013, c. 368, Pt. RRR, §1 (AMD). PL 2013, c. 368, Pt. RRR, §4 (AFF). PL 2017, c. 284, Pt. UUUU, §§1-7 (AMD). PL 2019, c. 427, §§3, 4 (AMD). PL 2021, c. 398, Pt. FFF, §1 (AMD). PL 2021, c. 481, §§1-5 (AMD). PL 2021, c. 720, §1 (AMD). PL 2023, c. 344, §§1-5 (AMD). PL 2023, c. 394, Pt. A, §§1-3 (AMD). PL 2023, c. 638, §§5-15 (AMD). PL 2025, c. 415, §3 (AMD).

§1805. Executive director

The executive director of the commission hired pursuant to section 1804, subsection 1 shall: [PL 2009, c. 419, §2 (NEW).]

1. Compliance with standards. Ensure that the provision of indigent legal services complies with all constitutional, statutory and ethical standards;
[PL 2009, c. 419, §2 (NEW).]

2. Development of standards. Assist the commission in developing standards for the delivery of adequate indigent legal services;
[PL 2009, c. 419, §2 (NEW).]

3. Delivery and supervision. Administer and coordinate delivery of indigent legal services and supervise compliance with commission standards;
[PL 2009, c. 419, §2 (NEW).]

4. Most effective method of delivery. Recommend to the commission the most effective method of the delivery of indigent legal services in furtherance of the commission's purposes;
[PL 2009, c. 419, §2 (NEW).]

5. Training for counsel. Conduct regular training programs for counsel providing indigent legal services;
[PL 2009, c. 419, §2 (NEW).]

6. Personnel. Subject to policies and procedures established by the commission, hire or contract professional, technical and support personnel, including attorneys, considered reasonably necessary for the efficient delivery of indigent legal services;
[PL 2017, c. 284, Pt. UUUU, §8 (AMD).]

7. Submissions to commission. Prepare and submit to the commission:

A. A proposed biennial budget for the provision of indigent legal services, including supplemental budget requests as necessary; [PL 2009, c. 419, §2 (NEW).]

A-1. A monthly report on the amount of revenue collected from counsel fee collections, including counsel expenses recouped each month and for the year to date; [PL 2017, c. 284, Pt. UUUU, §9 (NEW).]

B. An annual report containing pertinent data on the operation, needs and costs of the indigent legal services system; [PL 2017, c. 284, Pt. UUUU, §10 (AMD).]

B-1. A monthly report on the number of cases opened, the number of vouchers submitted, the amount of vouchers paid, the amount of payments to contract counsel, the number of requests for professional services, the amount of payments for professional services and information on any complaints made against assigned counsel, contract counsel, employed counsel or public defenders; and [PL 2023, c. 638, §16 (AMD).]

C. Any other information as the commission may require; [PL 2009, c. 419, §2 (NEW).]
[PL 2023, c. 638, §16 (AMD).]

8. Develop and implement. Coordinate the development and implementation of rules, policies, procedures, regulations and standards adopted by the commission to carry out the provisions of this chapter and comply with all applicable laws and standards;
[PL 2009, c. 419, §2 (NEW).]

9. Records. Maintain proper records of all financial transactions related to the operation of the commission;
[PL 2009, c. 419, §2 (NEW).]

9-A. Audits; recoupment. Conduct audits of financial requests and payments and recoup payments when necessary. The executive director may exercise the subpoena power of the commission granted under section 1804, subsection 3, paragraph O;
[PL 2021, c. 481, §6 (NEW).]

10. Other funds. Apply for and accept on behalf of the commission funds that may become available from any source, including government, nonprofit or private grants, gifts or bequests. These non-General Fund funds do not lapse at the end of the fiscal year but must be carried forward to be used for the purpose originally intended;
[PL 2017, c. 284, Pt. UUUU, §12 (AMD).]

10-A. Reimbursement of expenses. Administer and improve reimbursement of expenses incurred by assigned counsel and contract counsel as described in section 1805-A;
[PL 2017, c. 284, Pt. UUUU, §13 (NEW).]

11. Meetings of commission. Attend all commission meetings, except those meetings or portions of the meetings that address the question of appointment or removal of the executive director; and
[PL 2009, c. 419, §2 (NEW).]

12. Other assigned duties. Perform other duties as the commission may assign.
[PL 2009, c. 419, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 419, §2 (NEW). PL 2017, c. 284, Pt. UUUU, §§8-13 (AMD). PL 2017, c. 475, Pt. A, §2 (AMD). PL 2021, c. 481, §6 (AMD). PL 2023, c. 638, §16 (AMD).

§1805-A. Indigency determinations; redeterminations; verifications; collections

1. Duties. The executive director shall administer and improve reimbursement of expenses incurred by assigned counsel, contract counsel and, until February 1, 2026, a private attorney appointed under section 1807 by:

A. Establishing procedures to ensure that the eligibility of defendants and civil parties is verified and reviewed randomly and when circumstances have changed, information has changed, additional information is provided or as otherwise needed; [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

B. Petitioning the court to reassess the indigency of a defendant or civil party if the executive director determines that indigency should be reassessed; [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

C. Providing to the commission recommendations to improve reimbursement of expenses; [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

D. Requiring that the amount of time spent on each case by assigned counsel or contract counsel is recorded separately for each case; and [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

E. Receiving from the courts collections for the costs of representation from defendants or civil parties who are found to be partially indigent or who have otherwise been determined to be able to reimburse the commission for expenses incurred by assigned counsel, contract counsel or, until February 1, 2026, a private attorney appointed under section 1807. [PL 2025, c. 40, §1 (AMD).]
[PL 2025, c. 40, §1 (AMD).]

2. Determination of defendant's or civil party's eligibility. The executive director shall provide the court having jurisdiction over a proceeding information used to determine indigency for guidance to the court in determining a defendant's or civil party's financial ability to obtain private counsel.
[PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

3. Partial indigency and reimbursement. This subsection applies to partial indigency and reimbursement of expenses incurred by assigned counsel, contract counsel or, until February 1, 2026, a private attorney appointed under section 1807.

A. If the court determines that a defendant or civil party is unable to pay to obtain private counsel but is able to contribute to payment of assigned counsel, contract counsel or, until February 1, 2026,

a private attorney appointed under section 1807, the court shall order the defendant or civil party to make installment payments up to the full cost of representation or to pay a fixed contribution. The court shall remit payments received to the commission. [PL 2025, c. 40, §2 (AMD).]

B. A defendant or civil party may not be required to pay for legal services in an amount greater than the expenses actually incurred. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

C. Upon petition of a defendant or civil party who is incarcerated, the court may suspend an order for reimbursement issued pursuant to this subsection until the time of the defendant's or civil party's release. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

D. The executive director may enter into contracts to secure the reimbursement of fees and expenses paid by the commission as provided for in this section. [PL 2017, c. 284, Pt. UUUU, §14 (NEW).]

[PL 2025, c. 40, §2 (AMD).]

SECTION HISTORY

PL 2017, c. 284, Pt. UUUU, §14 (NEW). PL 2025, c. 40, §§1, 2 (AMD).

§1806. Information not public record

Disclosure of information and records in the possession of the commission is governed by this section. [PL 2011, c. 260, §1 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Individual client information" means name; date of birth; social security number; gender; ethnicity; home, work, school or other address; home telephone number; fax number; e-mail address; cellular telephone number; pager number; and any information protected under the Maine Rules of Evidence, Rules 501 to 509 or the Maine Rules of Professional Conduct, Rule 1.6 or otherwise protected by the attorney-client relationship. [PL 2023, c. 638, §17 (AMD).]

B. "Personal contact information" means home address, home telephone number, home fax number, home e-mail address, personal cellular telephone number, personal pager number, date of birth and social security number. [PL 2023, c. 638, §17 (AMD).]

C. "Request for funds for expert or investigative assistance" means a request submitted to the commission by or on behalf of a person eligible for indigent legal services seeking authorization to expend funds for expert or investigative assistance, which includes, but is not limited to, the assistance of a private investigator, interpreter or translator, psychiatrist, psychologist or other mental health expert, medical expert and scientific expert. [PL 2023, c. 638, §17 (AMD).]

D. "Case information" means:

(1) The court in which a case is brought;

(2) Any criminal charges or juvenile crime charges and the type, but not the contents, of any petition giving rise to a case;

(3) The docket number;

(4) The identity of assigned counsel and the date of assignment;

(5) The withdrawal of assigned counsel and the date of withdrawal; and

(6) Any order for reimbursement of assigned counsel fees. [PL 2011, c. 547, §1 (NEW).]

[PL 2023, c. 638, §17 (AMD).]

2. Confidential information. The following information and records in the possession of the commission are not open to public inspection and do not constitute public records as defined in Title 1, section 402, subsection 3.

A. Individual client information is confidential, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential. [PL 2023, c. 638, §17 (AMD).]

B. [PL 2023, c. 638, §17 (RP).]

C. Personal contact information of a commission-rostered attorney is confidential. [PL 2011, c. 260, §1 (NEW).]

D. Personal contact information of a member of the commission or a commission employee, including employed counsel and public defenders, is confidential. [PL 2023, c. 638, §17 (AMD).]

E. A request for funds for expert or investigative assistance is confidential. The decision of the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, to grant or deny such a request is not confidential after a case has been completed. A case is completed when the judgment is affirmed on appeal or the period for appeal has expired. [PL 2023, c. 638, §17 (AMD).]

F. Any information obtained or gathered by the commission through a formal or informal complaint or when performing an evaluation or investigation of an attorney is confidential, except:

(1) The commission may disclose the information to the attorney who is the subject of the formal or informal complaint, evaluation or investigation;

(2) The executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, may disclose the information to the Maine Assistance Program for Lawyers described in Title 14, section 164-A;

(3) If the attorney who is subject to an evaluation or investigation appeals a decision of the executive director or the executive director's designee, in accordance with the process established under section 1804, subsection 3, paragraph J, the information may be disclosed at a public hearing conducted by the commission on the appeal, except that information that is protected by the attorney-client privilege or that is confidential under any provision of law, the Maine Rules of Evidence or the Maine Rules of Professional Conduct remains confidential; and

(4) As provided in subsection 4. [PL 2023, c. 638, §17 (AMD).]

G. Materials, handouts, recordings and other documents produced, obtained or otherwise acquired by the commission in connection with providing or preparing to provide training and evaluation programs for attorneys who are or may seek to become assigned counsel, employed counsel, public defenders or contract counsel. Notwithstanding any provision of law to the contrary, the commission may disseminate materials governed by this paragraph to the extent necessary to comply with its duties under this chapter without waiving the confidentiality of the materials. [PL 2025, c. 415, §4 (NEW).]

[PL 2025, c. 415, §4 (AMD).]

3. Confidential information disclosed by Judicial Department. The Judicial Department may disclose to the commission confidential information necessary for the commission to carry out its functions, including, but not limited to, the collection of amounts owed to reimburse the State for the cost of assigned counsel, as follows:

A. Case information and individual client information with respect to court proceedings that are confidential by statute or court rule in which one or more parties are represented by assigned counsel; and [PL 2011, c. 547, §2 (NEW).]

B. The name, address, date of birth and social security number of any person ordered by the court to reimburse the State for some or all of the cost of assigned counsel. [PL 2011, c. 547, §2 (NEW).]

Information received by the commission from the Judicial Department under this subsection remains confidential in the possession of the commission and is not open to public inspection, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.
[RR 2023, c. 2, Pt. A, §3 (COR).]

4. Rules of professional conduct. Nothing in this section prohibits the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, from reporting potential professional misconduct under the Maine Rules of Professional Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.
[PL 2023, c. 638, §17 (AMD).]

5. Confidential information possessed by employed counsel and public defenders. Records, information and materials created, received, obtained, maintained or stored by or on behalf of employed counsel and public defenders that are protected under the Maine Rules of Evidence, Rules 501 to 509 or the Maine Rules of Professional Conduct, Rule 1.6 or otherwise protected by the attorney-client relationship are confidential.
[PL 2023, c. 638, §17 (NEW).]

SECTION HISTORY

PL 2011, c. 260, §1 (NEW). PL 2011, c. 547, §§1, 2 (AMD). PL 2015, c. 290, §1 (AMD). PL 2023, c. 344, §6 (AMD). PL 2023, c. 638, §17 (AMD). RR 2023, c. 2, Pt. A, §3 (COR). PL 2025, c. 415, §4 (AMD).

§1807. Court appointment of private attorney

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 2/01/26)

(WHOLE SECTION TEXT REPEALED 2/01/26 by T. 4, §1807, sub-§6)

1. Appointment of private attorneys by District Court and Superior Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private attorney to represent a person who is eligible to receive indigent legal services in a matter pending before the District Court or Superior Court if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person; [PL 2025, c. 40, §3 (NEW).]

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and has at least 3 years of legal experience relevant to the pending matter; and [PL 2025, c. 40, §3 (NEW).]

C. The private attorney is willing to undertake the representation, which may be limited representation defined by the court in its appointment order. [PL 2025, c. 40, §3 (NEW).]
[PL 2025, c. 40, §3 (NEW).]

2. Private attorney appointment; Supreme Judicial Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private attorney to represent a person who is eligible to receive indigent legal services in a matter before the Supreme Judicial Court if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person; [PL 2025, c. 40, §3 (NEW).]

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and either has at least 3 years of legal experience relevant to the pending matter or has previously served as a law clerk analyzing cases relevant to the pending matter; and [PL 2025, c. 40, §3 (NEW).]

C. The private attorney is willing to undertake the representation, which may be limited representation defined by the court in its appointment order. [PL 2025, c. 40, §3 (NEW).]

[PL 2025, c. 40, §3 (NEW).]

3. Compensation. The commission shall provide compensation and reimbursement to a private attorney appointed by the court under subsection 1 or 2. The compensation and reimbursement must be equivalent to the reimbursement provided to assigned counsel under the rulemaking directed by section 1804, subsection 3, paragraph F. The process for compensation of private attorneys appointed pursuant to subsection 1 or 2 must be in accordance with the requirements established by the commission under section 1804, subsection 3, paragraph B for voucher review and payment authorization.

[PL 2025, c. 40, §3 (NEW).]

4. Supervision. The commission's supervision of a private attorney appointed pursuant to subsection 1 or 2 is limited to addressing complaints made by the client whom the private attorney was appointed to represent under subsection 1 or 2.

[PL 2025, c. 40, §3 (NEW).]

5. Confidentiality. The provisions of section 1806, subsections 2 and 3 apply, to the same extent that those provisions apply to commission-rostered attorneys who serve as assigned counsel, to private attorneys appointed by the court to provide indigent legal services pursuant to subsections 1 and 2.

[PL 2025, c. 40, §3 (NEW).]

6. Repeal. This section is repealed February 1, 2026.

[PL 2025, c. 40, §3 (NEW).]

SECTION HISTORY

PL 2025, c. 40, §3 (NEW).

CHAPTER 39

REVISED UNIFORM LAW ON NOTARIAL ACTS

§1901. Short title

This chapter may be known and cited as the Revised Uniform Law on Notarial Acts. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1902. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

1. Acknowledgment. "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.
[RR 2023, c. 2, Pt. A, §4 (COR).]

2. Electronic. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Electronic signature. "Electronic signature" means an electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. In a representative capacity. "In a representative capacity" means acting as:

A. An authorized officer, agent, partner, trustee or other representative of a person other than an individual; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. A public officer, personal representative, guardian or other representative, in the capacity stated in a record; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. An agent or attorney-in-fact for a principal; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. An authorized representative of another in any other capacity. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. Notarial act. "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of this State. "Notarial act" includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument or loss in mercantile usage.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Notarial officer. "Notarial officer" means a notary public or other individual authorized to perform a notarial act.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

7. Notary public. "Notary public" means an individual commissioned to perform a notarial act by the Secretary of State.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

8. Official stamp. "Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record and includes an official notary seal.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

9. Person. "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

10. Record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

11. Sign. "Sign" means, with present intent to authenticate or adopt a record:

A. To execute or adopt a tangible symbol; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. To attach to or logically associate with the record an electronic symbol, sound or process. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

12. Signature. "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

13. Stamping device. "Stamping device" means:

A. A physical device capable of affixing to or embossing on a tangible record an official stamp; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

14. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

15. Verification on oath or affirmation. "Verification on oath or affirmation" means a declaration made by an individual on oath or affirmation before a notarial officer that a statement in a record is true.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF). RR 2023, c. 2, Pt. A, §4 (COR).

§1903. Applicability

This chapter applies to a notarial act performed on or after July 1, 2023. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1904. Authority to perform notarial act

1. Notarial acts authorized. A notarial officer may perform a notarial act authorized by this chapter or by a law of this State other than this chapter.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Certification of electronic records. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Conflict of interest. A notarial officer may not perform a notarial act with regard to which the notarial officer has a conflict of interest as set forth in this subsection.

A. A notarial officer may not perform any notarial act for any person if that person is the officer's spouse, domestic partner, parent, sibling or child or an in-law or a step or half relative of the officer. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. A notarial officer may not perform any notarial act with respect to a record to which the notarial officer or the officer's spouse, domestic partner, parent, sibling or child or an in-law or a step or half relative of the officer is a party or in which any of them has a direct beneficial interest. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Notwithstanding paragraphs A and B, a notarial officer authorized by Title 19-A, section 655 to solemnize marriages may solemnize the marriage of a parent, sibling or child or an in-law or a step or half relative of the officer. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Acts of notarial officer who is interested in corporation. Any notarial officer who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgment of any party to any written instrument executed to or by the bank or corporation, may administer an oath to any other stockholder, director, officer, employee or agent of the bank or corporation or may protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments that may be owned or held for collection by the bank or other corporation. It is unlawful for any notarial officer to take the acknowledgment of an instrument by or to a bank or other corporation of which the notarial officer is a stockholder, director, officer or employee when the notarial officer is a party to the instrument, either individually or as a representative of the bank or other corporation, or to protest any negotiable instrument owned or held for collection by the bank or other corporation, when the notarial officer is individually a party to the instrument.
[RR 2023, c. 2, Pt. A, §5 (COR).]

5. Direct initiative or people's veto referendum. A notarial officer may not administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum under Title 21-A, section 902 if the notarial officer also provides services that are not notarial acts to initiate or promote that direct initiative or people's veto referendum.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Voidable notarial acts. A notarial act performed in violation of subsection 3, 4 or 5 is voidable.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF). RR 2023, c. 2, Pt. A, §5 (COR).

§1905. Requirements for certain notarial acts

1. Acknowledgment of a record. A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.
[RR 2023, c. 2, Pt. A, §6 (COR).]

2. Statement of oath or affirmation. A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Witnessing or attesting to a signature. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Certifying or attesting copy of record. A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the record or item.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. Protest of negotiable instrument. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in Title 11, section 3-1505, subsection (1), paragraph (b).
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Protests of losses; record and copies. When requested, a notarial officer shall enter on record all losses or damages sustained or apprehended by sea or land and all averages and such other matters as, by mercantile usage, appertain to the notarial officer's office and shall grant warrants of survey on vessels; all facts, extracts from documents and circumstances so noted must be signed and sworn to by all the persons appearing to protest. The notarial officer shall note, extend and record the protest so made and grant authenticated copies thereof under the notarial officer's signature and, in the case of a notary public, notarial stamp to those who request and pay for them.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF). RR 2023, c. 2, Pt. A, §6 (COR).

§1906. Personal appearance required

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1907. Identification of individual

1. Personal knowledge of identity. A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Evidence of identity. A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

A. By means of:

(1) A passport, driver's license or government-issued nondriver identification card; or

(2) Another form of government identification issued to an individual that contains the signature or a photograph of the individual and is satisfactory to the notarial officer; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. By a verification on oath or affirmation of a credible witness personally appearing before the notarial officer and known to the officer or whom the officer can identify on the basis of a passport,

driver's license or government-issued nondriver identification card. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Additional information or credentials. A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1908. Authority to refuse to perform notarial act

1. Basis to refuse. A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

A. The individual executing the record is competent or has the capacity to execute the record; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. The individual's signature is knowingly and voluntarily made. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Refusal permitted unless otherwise required. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by a law other than this chapter.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1909. Signature if individual unable to sign

If an individual is physically unable to sign a record due to a disability, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1910. Notarial act in this State

1. Persons authorized to perform notarial acts. A notarial act may be performed in this State by:

A. A notary public of this State; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. A justice, judge, clerk or deputy clerk of a court of this State; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. An attorney-at-law duly admitted and eligible to practice in the courts of this State; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Any other individual authorized to perform the specific act by the laws of this State. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Prima facie evidence. The signature and title of an individual performing a notarial act in this State are prima facie evidence that the signature is genuine and that the individual holds the designated title.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Signature and title conclusive. The signature and title of a notarial officer described in subsection 1, paragraph A, B or C conclusively establish the authority of the officer to perform the notarial act.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Laws on notaries public apply to notarial officers. If a provision of law other than a provision in this chapter specifies that an act may be performed by a notary public, such act may be performed by any of the notarial officers described in subsection 1, paragraph A, B or C unless the law expressly provides otherwise.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1911. Notarial act in another state

1. Notarial acts in other states recognized. A notarial act performed in another state has the same effect under the laws of this State as if performed by a notarial officer of this State, if the act performed in that state is performed by:

A. A notary public of that state; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. A judge, clerk or deputy clerk of a court of that state; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Any other individual authorized by the laws of that state to perform the notarial act. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Prima facie evidence. The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Signature and title conclusive. The signature and title of a notarial officer described in subsection 1, paragraph A or B conclusively establish the authority of the officer to perform the notarial act.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1912. Notarial act under authority of federally recognized Indian tribe

1. Notarial acts under authority of federally recognized Indian tribes recognized. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this State, if the act performed in the jurisdiction of the tribe is performed by:

A. A notary public of the tribe; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. A judge, clerk or deputy clerk of a court of the tribe; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Any other individual authorized by the laws of the tribe to perform the notarial act. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Prima facie evidence. The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Signature and title conclusive. The signature and title of a notarial officer described in subsection 1, paragraph A or B conclusively establish the authority of the officer to perform the notarial act.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1913. Notarial act under federal authority

1. Notarial act under federal authority recognized. A notarial act performed under federal law has the same effect under the laws of this State as if performed by a notarial officer of this State, if the act performed under federal law is performed by:

A. A judge, clerk or deputy clerk of a federal court; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Any other individual authorized by federal law to perform the notarial act. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Prima facie evidence. The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Signature and title conclusive. The signature and title of an officer described in subsection 1, paragraph A, B or C conclusively establish the authority of the officer to perform the notarial act.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1914. Foreign notarial act

1. Foreign state. As used in this section, "foreign state" means a government other than the United States, a state or a federally recognized Indian tribe.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Foreign notarial acts recognized. If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of a foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the laws of this State as if performed by a notarial officer of this State.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Digest or list conclusive. If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Prima facie evidence. The signature and official stamp of an individual holding an office described in subsection 3 are prima facie evidence that the signature is genuine and the individual holds the designated title.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. Hague Convention. An apostille in the form prescribed by the Hague Convention of October 5, 1961 and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Consular authentication. A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1915. Notarial act performed for remotely located individual

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Communication technology" means an electronic device or process that allows a notarial officer and a remotely located individual to communicate with each other simultaneously by sight and sound. When necessary and consistent with other applicable laws, "communication technology" includes an electronic device or process that facilitates communication with a remotely located individual who has a vision, hearing or speech impairment. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. "Foreign state" means a jurisdiction other than the United States, a state or a federally recognized Indian tribe. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. "Identity proofing" means a process or service by which a 3rd person provides a notarial officer with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. "Remotely located individual" means an individual who is not in the physical presence of the notarial officer who performs a notarial act under subsection 3. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Personal appearance by communication technology authorized. Except as provided in subsection 16, a remotely located individual may comply with section 1906 by using communication technology to appear before a notarial officer.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Remote notarization authorized. Except as provided in subsection 16, a notarial officer located in this State may use communication technology to perform a notarial act for a remotely located individual if:

A. The notarial officer:

(1) Has personal knowledge under section 1907, subsection 1 of the identity of the remotely located individual;

(2) Has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notarial officer under section 1907, subsection 2 or this section; or

(3) Has obtained satisfactory evidence of the identity of the remotely located individual by using at least 2 different types of identity proofing; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. The notarial officer is able reasonably to confirm that a record before the notarial officer is the same record in which the remotely located individual made a statement or on which the individual executed a signature; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. The notarial officer, or a person acting on behalf of the notarial officer, creates an audiovisual recording of the performance of the notarial act; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. For a remotely located individual located outside the United States:

(1) The record:

(a) Is to be filed with or relates to a matter before a public official or court, governmental entity or other entity subject to the jurisdiction of the United States; or

(b) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(2) The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Remote acknowledgment of tangible record. A notarial officer located in this State may use communication technology under subsection 3 to take an acknowledgment of a signature on a tangible record physically present before the notarial officer if the record is displayed to and identified by the remotely located individual during the audiovisual recording under subsection 3, paragraph C.
[RR 2023, c. 2, Pt. A, §7 (COR).]

5. Declaration required. The requirement under subsection 3, paragraph B for the performance of a notarial act with respect to a tangible record not physically present before the notarial officer is satisfied if:

A. The remotely located individual:

(1) During the audiovisual recording under subsection 3, paragraph C, signs:

(a) The record; and

(b) A declaration, in substantially the following form, that is part of or securely attached to the record:

I declare under penalty of perjury that the record of which this declaration is a part or to which it is attached is the same record on which (name of notarial officer), a notarial officer, performed a notarial act and before whom I appeared by means of communication technology on (date).

……..

(Signature of remotely located individual)

……..

(Printed name of remotely located individual); and

(2) Sends the record and declaration to the notarial officer not later than 4 days after the notarial act was performed; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. The notarial officer:

(1) In the audiovisual recording under subsection 3, paragraph C, records the individual signing the record and declaration; and

(2) After receipt of the record and declaration from the individual, executes a certificate of notarial act under section 1916, which must include a statement in substantially the following form:

I (name of notarial officer) witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date). [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Notarial act deemed contemporaneous. A notarial act performed in compliance with subsection 5 complies with section 1916, subsection 1, paragraph A and is effective on the date the remotely located individual signed the declaration under subsection 5, paragraph A, subparagraph (1), division (b).
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

7. Other procedures not precluded. Subsection 5 does not preclude use of another procedure to satisfy subsection 3, paragraph B for a notarial act performed with respect to a tangible record.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

8. Remote oaths authorized. A notarial officer located in this State may use communication technology under subsection 3 to administer an oath or affirmation to a remotely located individual if, except as otherwise provided by other laws of this State, the notarial officer:

A. Identifies the individual under subsection 3, paragraph A; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Creates or causes the creation under subsection 3, paragraph C of an audiovisual recording of the individual taking the oath or affirmation; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Retains or causes the retention under subsection 11 of the recording. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

9. Certificate must indicate use of communication technology. If a notarial act is performed under this section, the certificate of notarial act under section 1916 and the short form certificate under section 1917 must indicate that the notarial act was performed using communication technology.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

10. Form of short form certificate. A short form certificate under section 1917 for a notarial act subject to this section is sufficient if it:

A. Complies with rules adopted under subsection 13, paragraph A; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Complies with section 1917 and contains a statement in substantially the following form:

This notarial act involved the use of communication technology. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

11. Retention of recording. A notarial officer, a guardian, conservator or agent of a notarial officer or a personal representative of a deceased notarial officer shall retain the audiovisual recording created under subsection 3, paragraph C or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection 13, paragraph D, the recording must be retained for at least 10 years.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

12. Notice to Secretary of State. Before a notarial officer performs the notarial officer's initial notarial act under this section, the notarial officer shall notify the Secretary of State that the notarial officer will be performing notarial acts with respect to remotely located individuals and identify the technologies the notarial officer intends to use. If the Secretary of State has established by rule standards under subsection 13 and section 1928 for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

13. Rules. In addition to adopting rules under section 1928, the Secretary of State may adopt rules regarding performance of a notarial act under this section. The rules may:

A. Prescribe the means of performing a notarial act involving a remotely located individual using communication technology; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Establish standards for communication technology and identity proofing; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Establish requirements or procedures to approve providers of communication technology and the process of identity proofing; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Establish standards and a period for the retention of an audiovisual recording under subsection 3, paragraph C; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. Prescribe methods for a notarial officer to confirm under subsections 4 and 5 the identity of a tangible record. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

14. Rulemaking considerations. Before adopting, amending or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the Secretary of State shall consider:

A. The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of a national association of secretaries of state; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Standards, practices and customs of other jurisdictions that have laws substantially similar to this section; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. The views of governmental officials and entities and other interested persons. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

15. Service of process. By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audiovisual recording under subsection 3, paragraph C, the provider of the communication technology, identity proofing or storage appoints the Secretary of State as the provider's agent for service of process in any civil action in this State related to the notarial act. The Secretary of State may specify by rule a reasonable fee for accepting service of process under this subsection.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

16. Certain remote notarial acts prohibited. Notwithstanding any provision of this chapter to the contrary, a notarial officer may not perform the following notarial acts for a remotely located individual:

A. Witnessing the marking and sealing of an absentee ballot pursuant to Title 21-A, section 754-A; [RR 2021, c. 2, Pt. A, §3 (COR).]

B. Administering an oath or affirmation to a candidate for office under Title 21-A, section 336 or 355; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Administering an oath or affirmation to the circulator of a candidate petition under Title 21-A, section 335 or 354; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Witnessing the signing of an application for a people's veto referendum or the direct initiative of legislation under Title 21-A, section 901; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. Administering an oath or affirmation to the circulator of a people's veto referendum or the direct initiative of legislation under Title 21-A, section 902. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[RR 2021, c. 2, Pt. A, §3 (COR).]

17. Solemnization of marriage remotely prohibited. A notarial officer may not solemnize a marriage pursuant to Title 19-A, section 655 for a remotely located individual.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF). RR 2021, c. 2, Pt. A, §3 (COR). RR 2023, c. 2, Pt. A, §7 (COR).

§1916. Certificate of notarial act

1. Certificate required. A notarial act must be evidenced by a certificate. The certificate must:

A. Be executed contemporaneously with the performance of the notarial act; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the Secretary of State; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Identify the jurisdiction in which the notarial act is performed; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Contain the title of office of the notarial officer; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. If the notarial officer is a notary public, indicate the date of expiration of the officer's commission; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

F. Contain the legibly printed or typed name of the notarial officer. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Stamp requirements. If a notarial act regarding a tangible record is performed by a notarial officer, an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notary public and the certificate contains the information specified in subsection 1, paragraphs B, C and D, an official stamp must be attached to or logically associated with the certificate.

[PL 2023, c. 304, Pt. B, §1 (AMD); PL 2023, c. 304, Pt. B, §7 (AFF).]

3. Sufficiency of certificate. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and:

A. Is in a short form set forth in section 1917; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Is in a form otherwise permitted by the laws of this State; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 1905, 1906 and 1907 or a law of this State other than this chapter. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Execution of certificate certifies compliance. By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 1904, 1905 and 1906.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. Notarial act to precede signature. A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Certificate to be attached. If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the Secretary of State has established standards by rule pursuant to section 1928 for attaching, affixing or logically associating the certificate, the process must conform to the standards.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF). PL 2023, c. 304, Pt. B, §1 (AMD). PL 2023, c. 304, Pt. B, §7 (AFF).

§1917. Short form certificates

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 1916, subsections 1 and 2. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

1. Individual capacity. For an acknowledgment in an individual capacity:

State of …….

County of …….…….

This record was acknowledged before me on …… by ……

Date Name(s) of individual(s)

……

Signature of notarial officer

Stamp or printed name ……..

[……]

Title of office

[My commission expires: ……]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Representative capacity. For an acknowledgment in a representative capacity:

State of ……..

County of ……

This record was acknowledged before me on …… by …….

Date Name(s) of individual(s)

as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

…….

Signature of notarial officer

Stamp or printed name ……..

[……]

Title of office

[My commission expires: ……..]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Oath or affirmation. For a verification on oath or affirmation:

State of ……..

County of ……..

Signed and sworn to (or affirmed) before me on …… by ……

Date Name(s) of individual(s)

making statement

……

Signature of notarial officer

Stamp or printed name ……..

[……]

Title of office

[My commission expires: ……..]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Signature. For witnessing or attesting a signature:

State of ……

County of ……..…

Signed [or attested] before me on ……. by ……..

Date Name(s) of individual(s)

……

Signature of notarial officer

Stamp or printed name ……..

[…….]

Title of office

[My commission expires: ……..]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. Copy of a record. For certifying a copy of a record:

State of ……..

County of …….

I certify that this is a true and correct copy of a record in the possession

of ……..

Dated …….

……

Signature of notarial officer

Stamp or printed name ……..

[……]

Title of office

[My commission expires: ……]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1918. Official stamp

A notary public may keep an official stamp, which must: [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

1. Information included. Include the notary public's name, jurisdiction, commission expiration date and other information required by the Secretary of State; and
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Capable of being copied. Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1919. Stamping device

1. Notary public's responsibility. A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission or on the expiration of the date set forth in the stamping device, if any, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Lost or stolen stamping device. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall promptly notify the Secretary of State on discovering that the device is lost or stolen.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1920. Journal

1. Journal required. A notarial officer shall maintain a journal for all electronic and remote notarizations. A notarial officer may maintain a journal for all tangible notarizations. The notarial officer shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Tangible medium or electronic format permitted. A journal under this section may be created on a tangible medium or in an electronic format. A notarial officer shall maintain only one journal at a time to chronicle all notarial acts performed regarding tangible records and one or more journals to chronicle all notarial acts performed regarding electronic records. If the journal is maintained on a tangible medium, it must be a permanent, bound register with numbered pages. If the journal is maintained in an electronic format, it must be in a permanent, tamper-evident electronic format complying with the rules of the Secretary of State.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Requirements. An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:

A. The date and time of the notarial act; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. A description of the record, if any, and type of notarial act; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. The full name and address of each individual for whom the notarial act is performed; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. If identity of the individual is based on personal knowledge, a statement to that effect; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the dates of issuance and expiration of any identification credential; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

F. The fee, if any, charged by the notarial officer. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Lost or stolen journal. If a notarial officer's journal is lost or stolen, the officer shall promptly notify the Secretary of State on discovering that the journal is lost or stolen.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. Retention. On resignation from, or the revocation or suspension of, a notary public's commission, the former notary public shall retain the former notary public's journal in accordance with subsection 1 and inform the Secretary of State where the journal is located.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Alternative to retention. Instead of retaining a journal as provided in subsection 5, a former notary public may transmit the journal to the Secretary of State or a repository approved by the Secretary of State.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

7. Death or incompetency of notary public. On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Secretary of State or a repository approved by the Secretary of State.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1921. Notification regarding performance of notarial act on electronic record; selection of technology; acceptance of tangible copy of electronic record

1. Selection of technology. A notarial officer may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notarial officer to perform a notarial act with respect to an electronic record with a technology that the notarial officer has not selected.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Notification to Secretary of State. Before a notarial officer performs the notarial officer's initial notarial act with respect to an electronic record, the notarial officer shall notify the Secretary of State that the notarial officer will be performing notarial acts with respect to electronic records and identify the technology the notarial officer intends to use. If the Secretary of State has established by rule standards for approval of technology pursuant to section 1928, the technology must conform to the rules. The Secretary of State shall determine whether the technology proposed by the notarial officer is approved for use in this State.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Tangible copy of electronic record. A register of deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record

accepted for recording be an original if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1922. Notary public commission; qualifications; no immunity or benefit

1. Application. An individual qualified under subsection 2 may apply to the Secretary of State for a notary public commission. The applicant shall comply with and provide the information required by rules established by the Secretary of State and pay any application fee.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Qualifications. An applicant for a notary public commission must:

A. Be at least 18 years of age; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Be a resident of or have a place of employment or practice in this State; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Be able to read and write English; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Not be disqualified to receive a commission under section 1924; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. Have passed the examination required under section 1923, subsection 1. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Oath required. Before issuance of a notary public commission, an applicant for the commission shall take and subscribe the following oath or affirmation before a dedimus justice: "I, (name), do swear that I will support the United States Constitution and the Constitution of Maine, so help me God. I, (name), do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as a notary public according to the Constitution of Maine and the laws of this State, so help me God."

When a person is conscientiously scrupulous of taking an oath, the word "affirm" may be substituted for the word "swear" and the words "this I do under penalty of perjury" may be substituted for the words "so help me God."
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Commission issued. The Secretary of State shall issue to an applicant who has complied with this section a notary public commission valid for a term of 7 years.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. No immunity or benefit. A commission issued under subsection 4 authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by the laws of this State on public officials or employees.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1923. Examination of notary public

1. Examination required. An applicant for a notary public commission who at the time of application does not hold a commission in this State must pass an examination administered by the

Secretary of State or an entity approved by the Secretary of State. The examination must be based on the course of study described in subsection 2.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Course of study. The Secretary of State or an entity approved by the Secretary of State shall offer regularly a course of study to applicants for notary public commissions in this State. The course must cover the laws, rules, procedures and ethics relevant to notarial acts.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1924. Grounds to deny, refuse to renew, revoke, suspend or condition commission of notary public

1. Grounds. The Secretary of State may deny, refuse to renew, revoke, suspend or impose a condition on a notary public commission for any act or omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:

A. Failure to comply with this chapter; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. A fraudulent, dishonest or deceitful statement or omission in the application for a notary public commission submitted to the Secretary of State; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. A conviction of the applicant or notary public of any crime punishable by one year or more imprisonment or a crime involving fraud, dishonesty or deceit; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. Failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the Secretary of State or any federal or state law; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

F. Use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right or privilege that the notary public does not have; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

G. Violation by the notary public of a rule of the Secretary of State regarding a notary public; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

H. Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

I. Violation of Title 21-A, section 903-E. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Right to hearing. If the Secretary of State denies, refuses to renew, revokes, suspends or imposes conditions on a notary public commission, the applicant or notary public is entitled to timely notice and hearing in accordance with Title 5, chapter 375, subchapter 4.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Remedies preserved. The authority of the Secretary of State to deny, refuse to renew, suspend, revoke or impose conditions on a notary public commission does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1925. Database of notaries public

The Secretary of State shall maintain an electronic database of notaries public: [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

1. Verification. Through which a person may verify the authority of a notary public to perform notarial acts; and
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Electronic records; remote notarization. That indicates whether a notary public has notified the Secretary of State that the notary public will be performing notarial acts on electronic records or remotely.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1926. Prohibited acts

1. Acts not authorized. A notary public commission does not authorize an individual to:

A. Assist persons in drafting legal records, give legal advice or otherwise practice law; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Act as an immigration consultant or an expert on immigration matters; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Receive compensation for performing any of the activities listed in this subsection. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. False or deceptive advertising prohibited. A notary public may not engage in false or deceptive advertising.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Restricted titles. A notary public who is not an attorney licensed to practice law in this State may not use the title "notario" or "notario publico."
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

4. Advertising requirements. A notary public who is not an attorney licensed to practice law in this State may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this State in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the Internet, the notary public shall include the following statement, or an alternate statement authorized or required by the Secretary of State, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this State. I

am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media or the Internet and does not permit inclusion of the statement required by this subsection because of size, the statement must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

5. Access to original records. Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person who seeks performance of a notarial act by the notary public.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

6. Civil violation. Any violation of this section constitutes a civil violation for which a fine of not more than $5,000 may be adjudged.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

7. Civil action. In addition to any other remedy that may be available, a person who is aggrieved by a violation of this section may initiate a civil action in the Superior Court against the violator for injunctive relief or damages or both. If a court finds a violation of this section, the court may award to the person:

A. An amount equal to actual damages sustained by the person as a result of the violation; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. An amount equal to 3 times the actual damages; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. The costs of the action together with reasonable attorney's fees as determined by the court. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

8. Attorney General action. If the Attorney General has reason to believe that a person in the State has engaged in or is engaging in activities that violate this section, the Attorney General may initiate an action in the Superior Court to enforce this section.
[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1927. Validity of notarial acts

Except as otherwise provided in section 1904, subsection 6, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on the laws of this State other than this chapter or the laws of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts. This section does not limit the authority of the Secretary of State to reject candidate or initiative or referendum petitions under Title 21-A on the basis of improper notarizations. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1928. Rules

1. Rules. The Secretary of State may adopt rules to implement this chapter. Rules adopted regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules may:

A. Prescribe the manner of performing notarial acts regarding tangible and electronic records; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. Include provisions to ensure integrity in the creation, transmittal, storage and authentication of electronic records or signatures; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

D. Prescribe the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the trustworthiness of an individual holding a notary public commission; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

E. Include provisions to prevent fraud or mistake in the performance of notarial acts; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

F. Provide for the administration of the examination under section 1923, subsection 1 and the course of study under section 1923, subsection 2. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

2. Rulemaking considerations. In adopting, amending or repealing rules about notarial acts with respect to electronic records, the Secretary of State shall consider, so far as is consistent with this chapter:

A. The most recent standards regarding electronic records promulgated by national bodies, such as a national association of secretaries of state; [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

B. Standards, practices and customs of other jurisdictions that enact provisions substantially similar to this chapter; and [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

C. The views of governmental officials and entities and other interested persons. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

3. Routine technical rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1929. Notary public commission in effect

A notary public commission in effect on July 1, 2023 continues until its date of expiration. A notary public who applies to renew a notary public commission on or after July 1, 2023 is subject to and shall comply with this chapter. A notary public, in performing notarial acts after July 1, 2023, shall comply with this chapter. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1930. Savings clause

This chapter does not affect the validity or effect of a notarial act performed before July 1, 2023. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1931. Uniformity of application and construction

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1932. Relation to federal Electronic Signatures in Global and National Commerce Act

This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 United States Code, Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 United States Code, Section 7003(b). [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

§1933. Effective date

This chapter takes effect July 1, 2023. [PL 2021, c. 651, Pt. A, §4 (NEW); PL 2021, c. 651, Pt. A, §8 (AFF).]

SECTION HISTORY

PL 2021, c. 651, Pt. A, §4 (NEW). PL 2021, c. 651, Pt. A, §8 (AFF).

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