

Primer on Maine Law



Maine State Law and Legislative Reference Library

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Ask a Law Librarian: <http://www.maine.gov/legis/lawlib/refemail.htm>

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Compiled by the Reference Staff

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What is *the law*?

The law comes from several sources...

Constitution	A constitution establishes individual rights as well as the structure and authority of the government. For example, the Maine Constitution establishes that, “The supreme executive power of this State shall be vested in a Governor.”
Statutes	Statutes are the laws passed by the Legislature organized by subject. For example, Maine has many motor vehicle statutes. Statute 29-A MRS §2079 says, “Braking or acceleration may not be unnecessarily made so as to cause a harsh and objectionable noise.”
Regulations	Regulations are written by government agencies, e.g. the Department of Health and Human Services, but they have the force of law because agencies get <i>rulemaking authority</i> from statutes. For example, the statutes say that to renew his license, a real estate appraiser must take continuing education classes. The regulations, written by the Board of Real Estate Appraisers, specify how many hours and which classes are allowed.
Ordinances	If there’s no state or federal law on a particular subject (e.g. whether dogs are required to be on a leash), a town or city might pass its own law, or ordinance.
Court opinions, or <i>case law</i>	Written by judges, court opinions interpret the law (i.e. statutes, regulations, other court opinions, etc.) and decide how it applies to a particular situation when two parties disagree on what the law means. Some court decisions, called <i>precedential</i> , must be followed by other courts. These decisions make up <i>case law</i> .



Sometimes, more than one type of law *applies*, or is relevant, to a situation. For example, to figure out if a local official can hold more than one position or office, you might have to look at statutes, court cases, and town ordinances.

Constitution of the State of Maine

A constitution establishes individual rights as well as the structure and authority of the government.

About

The Maine Constitution provides law on a range of topics. Some sections are broad. For example, they give authority to the State's three branches of government. Some sections provide more specific guidance, such as the number of State Senators or the procedure for issuing State bonds.

Where can I find it?

Legislature's website:

<http://legislature.maine.gov/ros/LawsOfMaine/#Const>

Maine Revised Statutes Annotated (MRSA), Volume 1

The MRSA is the print version of Maine's Constitution and statutes. *Annotated* means that the publisher has added notes after each section of the Constitution. These notes include court cases that interpret the Constitution and a history of the changes to it. The MRSA is available at the Law Library or we can mail volumes to patrons to borrow.

Westlaw

The MRSA is available online (and is searchable) through a service called Westlaw. Patrons can use Westlaw at the Law Library, or we can send selections by e-mail.

Additional information

The Maine State Constitution by Marshall J. Tinkle (Call number: JK2825 .T46)

This book provides a section-by-section explanation of the Maine Constitution and highlights changes to each section.

Legislative History of Amendments to the State of Maine Constitution

<http://maine.gov/legis/lawlib/lldl/constitutionalamendments/>

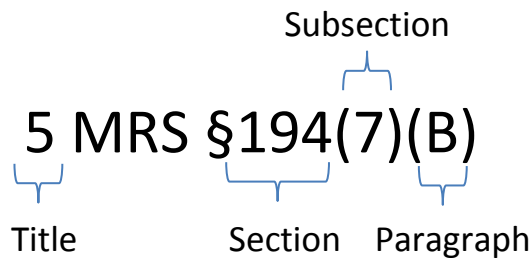
Session Laws and Statutes

Statutes are the laws passed by the Legislature organized by subject.

About

The Maine Revised Statutes (MRS) contains Maine's written law. The Legislature passes individual laws, or *session laws*, on many topics. The language in these laws is then organized by subject into the statutes, or *code*. One session law passed by the Legislature might be distributed, or *allocated*, into one or more statutes. Likewise, each statute is affected by one or more session laws.

A citation to the MRS looks like this:



Where can I find it?

Legislature's website:

<http://legislature.maine.gov/statutes/>

Maine Revised Statutes Annotated (MRSA)

The MRSA is the print version of Maine's statutes. *Annotated* means that the publisher has added notes after each statute. These notes include court cases that interpret the statute and a history of the changes to it. The MRSA is available at the Law Library or we can mail volumes to patrons to borrow. The MRSA is the official version of the Maine statutes.

Westlaw

The MRSA is available online (and is searchable) through a service called Westlaw. Patrons can use Westlaw at the Law Library, or we can send selections by e-mail.

Legislation

Session laws are created through the legislative process.

About

Every year, the Maine Legislature considers 1,000+ proposals for legislation and it enacts hundreds of session laws. When researching the law, sometimes it is important to know the *legislative history* of a particular session law, or why it was enacted.

Where can I find it?

Maine Legislature Bill Tracking & Text Search (1985 to present)

This system provides the status of legislation currently being considered by the Legislature. It also contains the full text of session laws passed by the Legislature (1995 to present) as well as the full text of bills and amendments of legislation proposed in the past (1993 to present).

<http://www.mainelegislature.org/legis/bills/>

LawMaker (2003 to present)

This system provides the status of legislation currently being considered by the Legislature. It also provides the history of actions taken on bills from the past.

<http://legislature.maine.gov/LawMakerWeb/search.asp>

Law and Legislative Digital Library (LLDL)

The LLDL provides many resources for researching the history of legislation in Maine, including the full text of Maine session laws passed since 1820 and pre-compiled legislative histories for all bills proposed since 1991.

<http://maine.gov/legis/lawlib/lldl/lldlhome.htm>

Additional Information

Path of Legislation in Maine

<http://legislature.maine.gov/general/path-of-legislation-in-maine-detailed/9285>

Compiling a Maine Legislative History

<http://legislature.maine.gov/9258/>

Regulations

Regulations are written by government agencies, but they have the force of law.

About

Maine's regulations are called the *Code of Maine Rules* (regulations are often referred to as *rules*). The *Code of Maine Rules* (CMR) is arranged by numbers which identify the department, departmental unit, and chapter. For example, 01-015 CMR Ch. 1 represents Chapter 1 of the Maine Milk Commission, which is part of the Department of Agriculture, Conservation and Forestry.

Where can I find it?

Maine Secretary of State website

<http://www.maine.gov/sos/cec/rules/rules.html>

Code of Maine Rules in print

The Law Library has a copy of the regulations in print; however, it cannot be borrowed.

Westlaw

Maine regulations are available online (and are searchable) through a service called Westlaw. Patrons can use Westlaw at the Law Library, or we can send selections by e-mail.

Additional information

Maine State Government Annual Report

<http://www.maine.gov/budget/annualreport/index.htm>

Summarizes the administrative and financial structure and activities of Maine State agencies.

Ordinances

An ordinance is a law enacted by a town or city.

About

Towns and cities each have their own *charter*, or founding legal document, and a code of ordinances. Ordinances usually deal with topics such as zoning, noise restrictions, animal control, etc.

Where can I find it?

Maine Municipal Association (MMA)

Some municipalities put their ordinances on-line. MMA maintains a list of links to ordinances and charters: <http://www.memun.org/TrainingResources/LocalGovernment/Ordinances HomeRule.aspx>

Contact the municipality directly

Contact the clerk of the municipality.

Court Opinions

Court opinions interpret the law and decide how it applies to a particular situation when two parties disagree on what the law means.

About

Maine has four kinds of courts: the Supreme Judicial Court, the Superior Court, the District Court, and the Probate Court. Each court handles different kinds of cases.

Where can I find it?

❖ Supreme Judicial Court

Judiciary's website (1997 to present)

http://www.courts.maine.gov/opinions_orders/supreme/index.shtml

Westlaw (1820 to present)

The full text of all available cases can be searched using a service called Westlaw. Patrons can use Westlaw at the Law Library, or we can send you opinions by e-mail.

Maine Reporter (1966 to present)

Only the opinions of the Supreme Judicial Court are published in what is called a *reporter* (a *reporter* is a set of books that contains the official and *precedential* opinions of a court). The *Maine Reporter* is available at the Law Library or we can mail volumes to patrons to borrow.

Maine Reports (1820 to 1965)

The print reporter where Maine court opinions used to be published. *Maine Reports* is available at the Law Library or we can mail volumes to patrons to borrow.

❖ Superior Court

Garbrecht Law Library (2000 to present)

<http://mainelaw.maine.edu/library/collections/superior-court-decisions/>

Court Opinions (Cont'd)

Westlaw (2000 to present)

The full text of all available cases can be searched using Westlaw. Patrons can use Westlaw at the Law Library, or we can send you opinions by e-mail.

❖ District Court

Contact the court directly

http://www.courts.maine.gov/maine_courts/district/index.shtml

❖ Probate Court

Contact the court directly

<http://maineprobate.net/> (Click on the counties for contact information.)

Additional Information

Maine State Court Structure Chart

http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts/Maine.aspx

Citizen's Guide to the Courts, State of Maine Judicial Branch

http://www.courts.maine.gov/reports_pubs/pubs/hanbooks_guides/citizen_guide/index.html

Court Rules

Court Rules explain in detail the procedures you must follow for your case to be considered by the Courts.

About

Court rules are written by the Maine Courts and they have the force of law. They explain, for example, how much time someone has to file documents in a court case and how those documents should be formatted. There are several different kinds of court rules depending on what kind of court case you are involved in:

- Maine Rules of Civil Procedure
- Maine Rules of Unified Criminal Procedure
- Maine Rules of Evidence
- Maine Rules of Appellate Procedure
- Maine Rules of Probate Procedure
- Maine Rules of Small Claims Procedure

Where can I find it?

Judiciary's website

http://www.courts.maine.gov/rules_adminorders/rules/index.shtml

Maine Court Rules: State Edition (Tower Publishing)

The official published version of the Maine Court Rules is published by Tower Publishing. It is available in print at the Law Library, or we can lend you a copy through the mail.

West's Maine Rules of Court Annotated (Thomson Reuters)

Annotated means that the publisher has added notes after each rule. These notes include court cases that interpret the rules and a history of the changes to them. It is available in print at the Law Library, or we can lend you a copy through the mail.

Westlaw

The court rules are available online (and are searchable) through a service called Westlaw. Patrons can use Westlaw at the Law Library, or we can send selections by e-mail.

Books about Maine Law

These books help explain the law on various subjects; however, most of them are written for lawyers. The title is followed by the author's name and the library's call number for the book. These materials are available at the Law Library, and many are available for loan through the mail.

Guiding Those Left Behind in Maine: Legal and Practical Things You Need to Do to Settle an Estate in Maine and How to Arrange Your Own Affairs to Avoid Unnecessary Costs to Your Family by Amelia E. Pohl and Sally M. Wagley (KF778.Z99 M25 2007)

Maine Administrative Procedure by John N. Ferdico (KF5402.Z99 M22)

Maine Appellate Practice by Donald G. Alexander (KF9050.Z99 M24)

Maine Attorney General's Consumer Law Guide by James A. McKenna and the Public Protection Unit (KF1610.Z99 M24)

http://www.maine.gov/ag/consumer/consumer_law_guide.shtml

Maine Civil Practice by Charles Harvey (vol. 2-3A) (KF8816.Z99 M2)

Maine Civil Remedies by Hon. Andrew M Horton and Peggy L. McGehee (KF9010.H6)

Maine Corporation Law and Practice by James B. Zimpritch (KF1384.Z99 M225)

Maine Criminal Practice by David P. Cluchey and Michael D. Seitzinger (KF9619.Z99 M215)

Maine Employer's Handbook by Lawrence C. Winger (KF3457.Z99 M225)

Maine Environmental Law Handbook by Gregory Cunningham and Jeffrey Thaler (KF3775.Z99 M252)

Maine Evidence by Peter L. Murray (KF8935.Z99 M21)

Maine Family Law Forms by Dana E. Prescott (KF535.Z99 M2)

Books about Maine Law (Cont'd)

Maine Human Resources Manual: A Guide to Maine and Federal Employment

Laws and Regulations by Maine State Chamber of Commerce (KF3458.Z99 M224 2016)

Maine Jury Instruction Manual by Donald G. Alexander (KF8984.Z99 M22)

Maine Law Enforcement Officer's Manual by John N. Ferdico (KF9620.Z99 M2)

Maine Probate Procedure by James E. Mitchel and Philip C. Hunt (KF765.Z99 M2)

Maine Real Estate Law and Practice by Casper F. Cowan (vol. 1) (KF570.Z99 M212)

Maine School Law by Harry R. Pringle, Amy K. Tchao, Ann S. Chapman, editors (KF4119.Z99 M24 2014)

The Maine state constitution by Marshall J. Tinkle; foreword by Vincent L. McKusick. New York: Oxford University Press, [2013]

Maine Tort Law by Jack H. Simmons, Donald N. Zillman, David D. Gregory (KF1215.Z99 M245 2004)

Trial Handbook for Maine Lawyers by Thomas B. Merritt (KF8915.Z99 M23)



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ONLINE: <http://legislature.maine.gov/9209/>