

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO
THE MAINE RULES OF CIVIL PROCEDURE

2010 Me. Rules 10

Effective: August 1, 2010

All of the Justices concurring therein, the following amendment to the Maine Rules of Civil Procedure is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in understanding of the amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 55(b)(4) of the Maine Rules of Civil Procedure is amended to read as follows:

(4) *Affidavit Required.* Notwithstanding the foregoing, no judgment by default shall be entered until the filing of an affidavit made by the plaintiff or the plaintiff's attorney, on the affiant's own knowledge, setting forth facts showing that the defendant is not a person in military service as defined in ~~Article I of the "Soldiers' and Sailors' Civil Relief Act" of 1940~~ the "Service Members Civil Relief Act" of 2003, as amended, except upon order of the court in accordance with that Act, and setting forth facts showing that venue was properly laid at the place where the action was brought.

Advisory Note – August 2010

The amendment recognizes the change in the law with the "Service Members Civil Relief Act" of 2003, 108 P.L. 189, 117 *Stat.* 2835, having repealed and replaced the "Soldiers and Sailors Civil Relief Act" of 1940. *See* 50 U.S.C. app. §§ 501-706.

2. This amendment shall be effective August 1, 2010.

Dated: July 21, 2010.

FOR THE COURT¹

_____/s/_____
LEIGH I. SAUFLEY Chief Justice

DONALD G. ALEXANDER
JON D. LEVY
WARREN M. SILVER
ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
Associate Justices

¹ This Rules Amendment Order is approved after conference of the Court, all Justices concurring therein.