

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE RULES OF CIVIL PROCEDURE

2015 Me. Rules 15

Effective: September 1, 2015

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 52 of the Maine Rules of Civil Procedure is amended to read as follows:

(a) Findings. In all actions tried upon the facts without a jury or with an advisory jury, the Superior Court justice or, if an electronic recording was made in the District Court, the District Court judge, shall, upon the request of a party made as a motion within 7 days after the statement of the decision in open court, or the entry of the decision or judgment on the docket, whichever comes first, or may upon its own motion, find the facts specially and state separately its conclusions of law. Such findings and conclusions may be made in summary form and may be made orally, provided that, in every action for termination of parental rights, the court shall make specific findings of fact and state its conclusions of law thereon as required by 22 M.R.S. § 4055. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. Any motion made pursuant to Rule 52(a) must include the proposed findings of fact and conclusions of law requested. The court is not required to make findings Findings of fact and conclusions of law ~~are unnecessary~~ on decisions of motions under Rules 12 or 56, or in small claims actions.

(b) Amended or Additional Findings. The court may, upon motion of a party filed not later than 14 days after entry of judgment, amend its findings or make additional findings and may amend the judgment if appropriate. The motion may be made with a motion for a new trial or a motion to alter or amend

the judgment pursuant to Rule 59. Any motion made pursuant to Rule 52(b) must include the proposed findings of fact and conclusions of law requested.

(c) Effect. Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses. The findings of a referee, to the extent that the court adopts them, shall be considered as the findings of the court.

Advisory Note – July 2015

In Rule 52(a), the amendment adds entry of judgment “on the docket” to the events that start the seven-day period to request findings and clarifies that “entry of the decision” means entry of the decision on the docket.

The amendment also adds language to Rule 52(a) and (b) requiring that every motion for findings of fact be accompanied by proposed findings of fact and conclusions of law. This requirement has been specifically imposed on Rule 52(b) motions through case law for more than a decade. *Bell v. Bell*, 1997 ME 154, 697 A.2d 835. Citing *Bell*, the Court reiterated this requirement in *Dalton v. Dalton*, 2014 ME 108, ¶ 21, 99 A.3d 723: “Any motion made pursuant to Rule 52 must ‘state with specificity the findings of fact and conclusions of law requested.’” And, discussing Rule 52(b) in *Wandishin v. Wandishin*, 2009 ME 73, 976 A.2d 949, the Court stated:

The purpose of motions for findings of additional facts pursuant to M.R. Civ. P. 52(b) is to seek specific fact-findings to support conclusions not already addressed by facts found in the court’s opinion. Such motions *should* concisely indicate the conclusions on which additional fact-finding is desired and, in best practice, suggest particular facts to be found that are supported by the record and are relevant to the conclusion at issue.

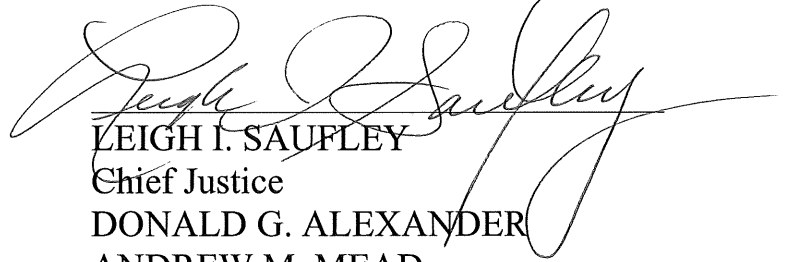
Id. ¶ 18 (emphasis added). Because it is important for the court to be apprised of the issues the moving party wishes to have addressed, the rule now requires that, regardless of whether a litigant makes a motion under (a) or (b), it is the litigant’s responsibility to include with the motion suggested findings that are both specific and supported by the record.

Finally, this amendment adds language to Rule 52(a) to clarify that findings of fact and conclusions of law are not necessary in rulings made on the summary processes of small claims.

2. This amendment to the Maine Rules of Civil Procedure shall be effective September 1, 2015.

Dated: July 24, 2015

FOR THE COURT*



LEIGH I. SAUFLEY

Chief Justice

DONALD G. ALEXANDER

ANDREW M. MEAD

ELLEN A. GORMAN

JOSEPH M. JABAR

JEFFREY L. HJELM

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Associate Justices

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