

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE RULES OF ELECTRONIC COURT SYSTEMS

2021 Me. Rules 02

Effective: March 15, 2021

All of the Justices concurring therein, the following amendments to the Maine Rules of Electronic Court Systems are adopted to be effective on the date indicated above. The specific amendments are stated below. To summarize each amendment, an Advisory Note appears after the text of each amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 2(A) of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 2. DEFINITIONS

(A) As used in these rules, unless the context otherwise indicates, the following terms have the following meanings:

(1) “Accept” or “Acceptance” in the context of electronic filing indicates ~~approval by the court clerk entry~~ of an electronic document submitted to the electronic filing system. ~~When a court clerk approves and accepts~~ Entry of a document submitted for electronic filing occurs after a court clerk has determined that the submission complies with M.R. Civ. P. 5(f) and Rule 34 of these rules. Once the document is entered, that electronic filing becomes part of the electronic case file.

Advisory Note – March 2021

Rule 2(A)(1) is amended to explain that the term used to signify the process that occurs when a document submitted to a court becomes part of the court’s electronic case management system—“acceptance”—is a process involving only a review for compliance with filing requirements. Before entering a document into the system, a court clerk must ensure that the document is in proper electronic format, that it has been signed, that it is

accompanied by any legally required elements, including but not limited to a filing fee, appeal fee, registry recording fee, or summary sheet, and that, if the document is filed by an attorney, the document lists the attorney's Maine Bar Registration Number. If the document does not comply with those requirements, it shall not be entered into the electronic filing system. See Rules 34 and 39, and M.R. Civ. P. 5(f). As indicated in Rule 35(D)(1), the clerk's review for entry or rejection is purely ministerial.

2. Rule 4(A) of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 4. CIVIL CASES

(A) Date of Accessibility.

~~(1) No court record will be accessible by the public until three business days after the court clerk has accepted the submissions of both the case initiating documents and proof of service of process of those documents on at least one defendant. The date of acceptance must be determined by application of these rules. Unless prohibited by law or by court order, a court record in a civil case is accessible by the public upon entry into the electronic case file.~~

~~(2) When an *ex parte* motion is filed contemporaneously with a complaint, no court records will be accessible until after the court has reviewed and acted on the motion. After the court has acted on the motion, unless the court orders otherwise, all court records in the case that would otherwise be accessible will be accessible by the public. -as follows:~~

~~(a) by any party to the case, or by attorneys of record, after the court clerk has accepted the submissions of both the court record and of proof of service of the case initiating documents and any applicable writ or court order issued as a result of the motion; and~~

~~(b) by the public, three business days after the court clerk has accepted the submissions of both the case initiating documents and proof of service of the case initiating documents and any applicable writ or court order issued as a result of the motion.~~

(3) When an *ex parte* motion is filed after the filing of the complaint, the motion and any attachments will not be accessible until after the court has reviewed and acted on the motion. After the court has acted on the motion, the court records related to the *ex parte* motion will be accessible as follows:

(a) If the motion is granted, the court records related to the motion will be accessible as provided by the order granting the motion.

~~**(i)** by any party to the case, or by attorneys of record, upon acceptance by the court clerk of proof of service of the motion and any applicable writ or court order issued as a result of the motion; and~~

~~**(ii)** by the public three days after acceptance by the court clerk of proof of service of the motion and any applicable writ or court order issued as a result of the motion.~~

(b) If the motion is denied, unless otherwise prohibited by any law or court order, the court records related to the motion will be accessible by the public, by any other party to the case, or by attorneys of record, when the court denies the motion.

Advisory Note – March 2021

Rule 4(A)(1) is amended to omit the language providing that “[n]o court record will be accessible by the public until three business days after the court clerk has accepted the submissions of both the case initiating documents and proof of service of process of those documents on at least one defendant,” with “[t]he date of acceptance [to] be determined by application of these rules.” The rule now provides that a court record in a civil case is accessible to the public upon entry into the electronic case file unless prohibited by law or by court order.

Rules 4(A)(2) and (3) are amended to omit language providing for public access to court records related to *ex parte* motions three days after acceptance by the court clerk of proof of service of the motion, case initiating documents, and any applicable writ or court order issued as a result of the motion.

Rule 12 provides that it is the responsibility of the filing party to ensure that sealed, impounded, or nonpublic cases, court records, data, documents, and information are redacted before submission, or otherwise submitted to the court in accordance with these rules.

Dated: February 22, 2021

FOR THE COURT,*

_____/s/_____
ANDREW M. MEAD
Acting Chief Justice

ELLEN A. GORMAN
JOSEPH M. JABAR
THOMAS E. HUMPHREY
ANDREW M. HORTON
CATHERINE R. CONNORS
Associate Justices

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