

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

**2023 Me. Rules 01**

Effective: February 15, 2023

All of the Justices concurring therein, the following amendments to the Maine Rules of Civil Procedure are adopted to be effective on the date indicated above. The specific amendments are stated below. To aid in the understanding of each amendment, an Advisory Note appears after the text of each 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 110B of the Maine Rules of Civil Procedure is amended to read as follows:

**RULE 110B. PREHEARING ~~SCHEDULE AND~~ PROCEDURE FOR CASES  
INVOLVING NO MINOR CHILDREN**

The procedures in this rule apply to all actions under this chapter in which there are no minor children, ~~except post-judgment motions.~~

~~(a) Scheduling Order. Upon the filing of an answer, response, or entry of appearance, the court shall issue a Scheduling Order that sets deadlines for: filing of financial statements and real estate certificates, scheduling and completion of mediation as provided in Rule 92(b), completion of discovery, date for exchanging witness and exhibit lists, scheduling of a pre-trial conference if necessary, filing of motions, and placement of the action on the trial list. Before the issuance of the Scheduling Order, parties may file an agreed-upon Scheduling Order covering all the deadlines outlined above. The Scheduling Order may be modified upon motion and for good cause shown. An agreement by the parties to amend the Scheduling Order may constitute good cause shown. Sanctions may be imposed for non-compliance with the order.~~

~~(b) Failure to Respond. If no answer, response, or entry of appearance is filed, the clerk shall set the case for an uncontested hearing.~~

~~(c) Prehearing Conference. Upon the court's own motion or at the request of a party, the court may hold prehearing conferences, including a judicial settlement conference, as provided in Rule 16(b) or Rule 16A and to address prehearing and hearing issues including case management. The court shall exercise its discretion in deciding whether to permit a party to participate in conferences, mediation or hearings by telephone.~~

~~(d) Post-Judgment Motions. The pretrial procedure for post-judgment motions in which there are no minor children shall be left to the discretion of the court upon review of the filings.~~

(a) Initial Case Management Conference. Whenever a complaint, petition, or post-judgment motion is filed in a proceeding that does not involve minor children, the parties, and their counsel if represented, shall be required to attend an initial case management conference with a judge, unless otherwise ordered by the court.

(1) Notice of Initial Case Management Conference. The court shall schedule an initial case management conference on the first available date no sooner than 60 days from the receipt of proof of service.

(2) Issues to be Addressed. At the initial conference the parties shall be prepared to address any issues in the case that may be raised by the court or the parties, including, but not limited to:

(A) Any issues in dispute;

(B) The need for an interim order;

(C) Scheduling of mediation;

(D) Scheduling of a prehearing conference;

(E) Scheduling of an uncontested hearing date; and

(F) Any other issues pertinent to the case.

(3) Motions to Proceed to Contested Interim Hearing Before Initial Case Management Conference. In exceptional circumstances, a court may grant a party's motion to dispense with the initial case management conference and set the matter promptly for interim hearing. The motion shall include the contested issue for the interim hearing, the estimated number of witnesses, the estimated length of time needed for the interim hearing, and a proposed order. In no case shall the interim hearing be longer than three hours.

(4) Certificate for Uncontested Final Hearing. When the parties have reached a complete agreement on all issues and wish to proceed directly to an uncontested final hearing, they may file a certificate for an uncontested final hearing along with a proposed agreed-to final order or a description of the parties' full agreement.

(5) Time for Hearing. In actions for divorce or annulment, the court has the authority to hold an uncontested hearing 60 days or more after service of the summons and complaint, with or without a motion under subsection (4).

(6) Continuance of Scheduled Initial Case Management Conference. Requests to continue a previously scheduled case management conference shall be in writing and may be granted for good cause shown pursuant to M.R. Civ. P. 40.

(b) Effect of a Case Management Order. A judge's case management order is effective when signed and remains effective until amended or until a final order is entered.

(c) Case Management After Initial Case Management Conference. After the initial case management conference is held or waived, the judge responsible for the case shall determine how to manage, schedule, and complete the case.

### **Advisory Note – February 2023**

Rule 110B is amended to implement a case management process for cases that do not involve minor children.

2. Rule 114A of the Maine Rules of Civil Procedure is adopted to read as follows:

**RULE 114A. REAL ESTATE ORDER AND ABSTRACT**

(a) Real Estate Order. As part of every divorce judgment involving distribution of real estate, the court shall also enter a real estate order to be attached and incorporated by reference into the divorce judgment containing the following information pursuant to 19-A M.R.S. § 953(7):

(1) The name of the party or parties responsible for recording the abstract of the divorce decree with the appropriate Registry of Deeds and paying the recording fee;

(2) An adequate description of the real estate, such as by reference to the volume and page number of an instrument recorded in the registry of deeds or the probate court record, or an adequate description by metes and bounds or by reference to the volume and page number of the Registry of Deeds' records of a survey plan of the property;

(3) A street address for the real estate, including the town/municipality, if any;

(4) Any provision of the decree intended by the court to constitute an encumbrance against real estate, including any conditions pertaining to the encumbrance; and

(5) A clear statement of the ownership interest of the parties in the real estate intended by the court to result from the divorce judgment.

(b) Abstract of the Divorce Decree.

(1) After the divorce judgment becomes final, the party responsible for recording the abstract of the divorce decree with the appropriate Registry of Deeds shall file a request for an abstract with the court together with the fee set by Administrative Order JB-05-26. If the party responsible for recording the abstract is represented by an attorney, the attorney shall file, along with the request for an abstract, a proposed abstract of divorce decree that complies

with subdivisions (b)(2) and (c) of this rule and uses the court-approved Abstract of Divorce Decree form.

(2) The abstract of the divorce decree shall be certified by the court, and shall attach and incorporate by reference the real estate order issued under subdivision (a) of this rule. The abstract shall also include the following:

(A) The caption of the case, including the names of the parties, and any changes to the parties' names as a result of the divorce judgment;

(B) The name of the court that issued the divorce judgment; and

(C) The date the divorce judgment became final.

(3) The requesting party, not the court, shall be responsible for recording the abstract with the appropriate Registry of Deeds and paying the recording fee.

(c) Real Estate in Multiple Counties. If the divorce judgment involves the distribution of real estate in more than one county, the court shall enter a separate real estate order for each county, and the party responsible for recording the abstract of the divorce decree with the appropriate Registry of Deeds shall request a separate abstract for each county.

### **Advisory Note – February 2023**

Rule 114A is adopted to govern real estate orders and abstracts of divorce decrees.

Dated: January 10, 2023

FOR THE COURT,\*

\_\_\_\_\_/s/\_\_\_\_\_  
VALERIE STANFILL  
Chief Justice

ANDREW M. MEAD  
JOSEPH M. JABAR  
ANDREW M. HORTON  
CATHERINE R. CONNORS  
RICK E. LAWRENCE  
Associate Justices

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