

STATE OF MAINE
Supreme Judicial Court

**EMERGENCY ORDER FOR THE ADMINISTERING OF OATHS AT
DEPOSITIONS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT**

Effective March 25, 2020

In light of the public health concerns arising from the novel coronavirus (COVID-19), **effective today**, and until further order of the Court, the Supreme Judicial Court, pursuant to its rulemaking authority, issues the following ORDER:

1. By rule, courts have authority to appoint the person before whom a deposition shall be taken. See M.R. Civ. P. 28(a). "A person so appointed has power to administer oaths and take testimony." M.R. Civ. P. 28(a).

2. Until further order of this Court, at any deposition taken pursuant to the Maine Rules of Civil Procedure, including, without limitation, M.R. Civ. P. 27, 28(a), 29, 30, 31, 32(d)(3)(B), or pursuant to an order of court, an officer or other person before whom a deposition is to be taken is hereby authorized to administer oaths and take testimony remotely, so long as that officer or other person can both see and hear the deponent via audio-video communication equipment or technology for purposes of positively identifying the deponent.

3. This order is intended to avoid a situation in which the officer or other person before whom the deposition is to be taken is actually or impliedly precluded, by statute, rule, or otherwise, from administering oaths and taking testimony if not in the presence of the deponent. This order does not in any way address or decide whether notaries public are precluded by statute from administering an oath or affirmation if the deponent is not in their presence. See 4 M.R.S. § 1013 (2018). As a result of this order, however, any officer or other person before whom a deposition may be taken, including any officer or other person who also happens to be a notary, is authorized to administer oaths and take testimony without being in the presence of the deponent. Such authority arises from this order, not from any person's status as a notary.

4. In addition, all parties are reminded that, "[u]nless the court orders otherwise, the parties may by written stipulation (1) provide that depositions

STATE OF MAINE
SUPERIOR COURT
DISTRICT COURT

EMERGENCY ORDER EXTENDING THE TIME FOR PAYMENT OF FINES,
RESTITUTION, COURT FEES, AND REIMBURSEMENT OF COURT-APPOINTED
COUNSEL FEES

Effective March 23, 2020

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, the due dates for payment of all fines, restitution, court fees, and reimbursement of court-appointed counsel fees shall be extended to May 4, 2020, or to the ordered due date in May 2020, whichever is later.

SO ORDERED.

Dated: March 23, 2020

/s/
Robert E. Mullen, Chief Justice
Maine Superior Court

/s/
Susan Sparaco, Chief Judge
Maine District Court

/s/
Jed French, Deputy Chief Judge
Maine District Court

STATE OF MAINE
SUPERIOR COURT
DISTRICT COURT

EMERGENCY ORDER REGARDING ELECTRONIC FILING OF MOTIONS DIRECTLY
BEARING ON A CRIMINAL DEFENDANT'S LIBERTY INTERESTS

Effective March 20, 2020

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, and until further order of the court, all motions requesting the incarceration or the release of a criminal defendant will be accepted by email sent to the Clerk and copied to opposing counsel. Paper copies must be sent to the court and opposing counsel. Clerks will provide email addresses to the parties.

SO ORDERED.

Dated: March 20, 2020

/s/
Robert E. Mullen, Chief Justice
Maine Superior Court

/s/
Susan Sparaco, Chief Judge
Maine District Court

/s/
Jed French, Deputy Chief Judge
Maine District Court

**PUBLIC INFORMATION OFFICE
MAINE SUPREME JUDICIAL COURT**

CONTACT:

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FOR IMMEDIATE RELEASE

March 22, 2020

Maine Judicial Branch Announces Reduction in Court Hours and Adjustments to Operations as Part of COVID-19 Response

Portland ME – The Maine Judicial Branch today updated the measures being taken to reduce the number of people coming into state courthouses. These changes are intended to ensure that the most urgent court proceedings identified in the Supreme Court’s Emergency Order dated March 13, 2020 and revised March 18, 2020 (the Emergency Order) may continue, while the exposure of the public and Judicial Branch staff to potential contagion is reduced.

“Leadership in the Maine Judicial Branch is committed to reducing the exposure of the public and court staff to the virus. At the same time, we are working to assure that the courts remain available to those members of the public who need immediate access to justice to address their personal safety, the safety and care of children at risk of harm, and the liberty interests of those who are or may become incarcerated,” said Chief Justice Leigh Saufley

ANNOUNCING REDUCED COURT HOURS

New court hours. In every region, court hours have been adjusted and reduced for the upcoming week. The current schedule can be found here <https://www.courts.maine.gov/covid19/court-hours.html>

Don’t come to court without checking courthouse schedules. Because changes in court hours may occur daily, any person intending to go to a Maine courthouse should check the website here <https://www.courts.maine.gov/covid19/court-hours.html> before traveling to the court or call 207-753-2999.

HEARINGS

- Any hearings that must be held, either fully or partially in a courthouse, will be managed in a way that promotes social distancing. **Video appearances will be encouraged in all cases.**
- Promoting social distancing may require the change of hearing times. Please check **with the local court to confirm your hearing time before you travel to the courthouse.** The list of local courthouse numbers may be found on the Judicial Branch website at https://www.courts.maine.gov/maine_courts/index.shtml. You



MAINE JUDICIAL BRANCH
ADMINISTRATIVE OFFICE OF THE COURTS

PORTLAND OFFICE
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FOR IMMEDIATE RELEASE

Contact: Amy Quinlan, Esq., Director of Court Communications
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For Immediate Release
March 22, 2020

Courthouse Facilities Update
March 22, 2020

The Capital Judicial Center (CJC) in Augusta has completed all cleaning and sanitization measures consistent with Maine CDC guidelines following a report that an individual who tested presumptively positive for the COVID-19 virus had been in the courthouse. The CJC will open on Monday, March 23, 2020.

The York County Superior Courthouse will be undergoing cleaning and sanitization following a report of possible exposure by individuals who work in and around the Courthouse. At this time, no one has tested positive for COVID-19.

The Judicial Branch is reducing operations in courthouses throughout the state to help reduce community transmission of COVID-19 and further protect employees of the courts who will still interact with the public. The courthouses will remain open and sufficiently staffed to ensure access for those who request protection from personal violence and whose liberty interests are at stake.

The hours of operation and information on the Maine Judicial Branch's response to COVID-19 may be found on the judicial branch website at https://www.courts.maine.gov/maine_courts/schedules/closings.shtml.

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Contact: Amy Quinlan, Esq., Director of Court Communications
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Augusta, Maine
March 18, 2020

Capital Judicial Center Temporarily Closed for Cleaning After Individual Reports Testing Presumptively Positive for COVID-19

On Wednesday, March 18, 2020, an individual known to be in and around the Capital Judicial Center (CJC) in Augusta on Monday and Tuesday, March 16 and 17 self-reported to the Court that the individual tested presumptively positive for the COVID-19 virus after being seen by a physician. Pursuant to Maine CDC guidelines, the individual has been directed to self-quarantine. The courthouse has been closed temporarily while cleaning and sanitizing measures are completed.

The Judicial Branch is focused on protecting the health and safety of our employees and the public who visit Maine courthouses. We will continue to monitor events as they unfold. We have launched a public web page — <https://www.courts.maine.gov/covid19.shtml> — to share what the Maine Judicial Branch is doing to respond to this serious public health situation and to pass along important health advisories and updates. Please check the website often for the latest information.

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**STATE OF MAINE
DISTRICT COURT**

Order Regarding Child Protection Proceedings

March 18, 2020

The Maine Judicial Branch continues to monitor the novel coronavirus (COVID-19). The following procedures for child protection proceedings will apply, effective March 18, 2020, and until further order of the court:

1. The court will hold a summary preliminary hearing on a preliminary protection order as required by 22 M.R.S. § 4034(4). The court may waive the hearing on the preliminary protection order if the custodian consents, but the custodian's consent must be voluntarily and knowingly executed in court before a judge. (This could be conducted by video provided that video participation is sufficient to comport with due process requirements.)

2. The court will hold hearings on a jeopardy order petition within 120 days of the filing of the child protection proceeding. If the hearing is contested, the court will be held in-person at the court. (This could be conducted by video provided that video participation is sufficient to comport with due process requirements.) The court will consider requests to have witnesses testify telephonically on a witness-by-witness basis. If the hearing is uncontested and the parties plan to agree to jeopardy findings, the court will accept their agreement telephonically or by video. The AAG must send an email to the clerk, copying all counsel and the GAL, indicating that the jeopardy order petition is uncontested and to arrange for the telephonic or video proceeding. The court, in its own discretion, reserves the right to require parties to appear in person.

3. The court will hold judicial reviews at least once every 6 months following the issuance of a jeopardy order. Contested judicial reviews will be held in-person at the court or by video or telephonically if available. The court may, in its discretion, elect to review the case in writing without a hearing, if the judicial review is not contested and the parties submit the agreed to judicial review order in advance of the scheduled judicial review.

4. Hearings on petitions to terminate parental rights will be deferred until further order.

5. To the extent possible, the court will hold case management conferences and docket calls telephonically.

STATE OF MAINE
SUPERIOR COURT
DISTRICT COURT

EMERGENCY ORDER EXTENDING UNEXPIRED DEADLINES

Effective March 17, 2020

In light of the suspension of certain types of civil and family litigation due to public health concerns arising from the novel coronavirus (COVID-19), effective March 17, 2020, and until further order of the court, IT IS ORDERED that 49 calendar days¹ are added to any unexpired deadline established by court order or court rules. This order does not apply to the following case types:

- Unified Criminal Docket
- Juvenile Court
- Protection from Abuse
- Protection from Harassment
- Child Protection
- Involuntary Mental Health Commitment

This order does not extend any statutory requirements or deadlines, including but not limited to, statutes of limitations and statutory deadlines for appeals of governmental actions and decisions.

SO ORDERED.

Dated: March 17, 2020

_____/s/_____
Robert E. Mullen, Chief Justice
Maine Superior Court

_____/s/_____
Susan Sparaco, Chief Judge
Maine District Court

_____/s/_____
Jed French, Deputy Chief Judge
Maine District Court

¹ This will ensure that the deadline as extended will fall on the same day of the week as the original. For example, if the current deadline is Monday, March 23, 2020, this order extends the deadline to Monday, May 11, 2020.

STATE OF MAINE
SUPERIOR COURT

EMERGENCY ORDER SUSPENDING
ALL MEDICAL MALPRACTICE PROCEEDINGS

Effective: March 17, 2020

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, and until further order of the court, all medical malpractice proceedings are suspended at least through May 1, 2020. All deadlines associated with medical malpractice proceedings are tolled through May 1, 2020.

Dated: March 17, 2020

/s/
Robert E. Mullen, Chief Justice
Maine Superior Court

STATE OF MAINE
SUPERIOR COURT

EMERGENCY ORDER SUSPENDING
ALL MEDICAL MALPRACTICE PROCEEDINGS

Effective: March 17, 2020

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, and until further order of the court, all medical malpractice proceedings are suspended at least through May 1, 2020. All deadlines associated with medical malpractice proceedings are tolled through May 1, 2020.

Dated: March 17, 2020

/s/
Robert E. Mullen, Chief Justice
Maine Superior Court

STATE OF MAINE
SUPERIOR COURT
DISTRICT COURT

EMERGENCY ORDER VACATING WARRANTS FOR UNPAID
FINES, UNPAID RESTITUTION, UNPAID COURT-APPOINTED
COUNSEL FEES, AND OTHER CRIMINAL FEES

Effective March 16, 2020

Effective immediately, any outstanding warrants for unpaid fines, unpaid restitution, unpaid court-appointed counsel fees, failure to appear for unpaid fine hearings, and any other failure to appear and pay other fees hereby VACATED.

SO ORDERED.

Dated: March 17, 2020

/s/
Susan Sparaco, Chief Judge
Maine District Court

/s/
Jed French, Deputy Chief Judge
Maine District Court

/s/
Robert E. Mullen, Chief Justice
Maine Superior Court

STATE OF MAINE
SUPERIOR COURT
DISTRICT COURT

EMERGENCY ORDER REGARDING FACE-TO-FACE OR IN PERSON
CONTACTS WITH CHILDREN AND FAMILIES

Effective March 16, 2020

In light of public health concerns arising from the novel coronavirus (COVID-19), **effective immediately**, and until further order of the court, for the purposes of Titles 18-C, 19-A, 22, or any other similar statute, any statutory requirement calling for face-to-face or in person contact or interviews with children and families shall be defined to include video and telephone contact.

SO ORDERED.

/s/
Susan Sparaco, Chief Judge
Maine District Court

/s/
Jed French, Deputy Chief Judge
Maine District Court

/s/
Robert E. Mullen, Chief Justice
Maine Superior Court

Dated: 03/16/2020

**Revised Emergency Order and Notice from the Maine Supreme Judicial
Court Courthouse Safety and Coronavirus (COVID-19)**

March 18, 2020

In light of public health concerns arising from the novel coronavirus (COVID-19), Maine's Judicial Branch is taking steps to adhere to the guidance provided by the Maine and United States Centers for Disease Control and Prevention. Persons identified as being infected by COVID-19, having had contact with those infected by COVID-19, or having visited areas identified as problematic due to the prevalence of COVID-19 should not come to Maine's courthouses.

The Judicial Branch is monitoring and managing the number of people in each courthouse in order to reduce the likelihood of the spread of COVID-19. That will affect the scheduling and hearing of cases and the number of jurors called into courthouses.

The courthouses of Maine remain open to the public, but you should only go to a courthouse if you are required to be there, or if you are seeking protection from abuse or harassment. If you have questions about whether you should go to a courthouse, please call 207-753-2999.

CANCELLATIONS AND POSTPONEMENTS

Effective immediately, and continuing through May 1, 2020, unless otherwise ordered by the court, the following case types and proceedings will NOT be scheduled or heard:

- FED (Eviction, landlord/tenant)
- Disclosures
- Foreclosures
- Small Claims
- Medical Malpractice proceedings including Panel Hearings
- Family matters, except for video mediations which may occur if all parties agree. You will be notified by the clerk if a video mediation is scheduled.
- Adoptions
- Juvenile matters (unless the juvenile is being detained)
- Criminal matters (unless a defendant is in-custody)

**Emergency Order and Notice from the Maine Supreme Judicial Court
Courthouse Safety and Coronavirus (COVID-19)
March 13, 2020**

In light of public health concerns arising from the novel coronavirus (COVID-19), Maine's Judicial Branch is taking steps to adhere to the guidance provided by the Maine and United States Centers for Disease Control and Prevention. Persons identified as being infected by COVID-19, having had contact with those infected by COVID-19, or having visited areas identified as problematic due to the prevalence of COVID-19 should not come to Maine's courthouses.

The Judicial Branch is monitoring and managing the number of people in each courthouse in order to reduce the likelihood of the spread of COVID-19. That will affect the scheduling and hearing of cases and the number of jurors called into courthouses.

The courthouses of Maine remain open to the public. If you have questions about whether you should go to a courthouse, please call the clerk of court at that location to have your questions answered. All court phone numbers can be found on the Judicial Branch website at https://www.courts.maine.gov/maine_courts/index.shtml.

CANCELLATIONS AND POSTPONEMENTS

Effective immediately, and continuing through May 1, 2020, with the exception of the events listed below, all in-person court events for family, civil,

STATE OF MAINE
DISTRICT COURT

EMERGENCY ORDER REGARDING HEARINGS CONDUCTED
PURSUANT TO TITLE 34-B, SECTIONS 3864 AND 3873-A

In light of public health concerns arising from the novel coronavirus (COVID-19) and the need for psychiatric hospitals to adopt new policies and procedures to ensure the safety of staff, patients, and all visitors, effective immediately, and until further order of the court, all mental health hearings scheduled in District Court pursuant to Title 34-B, sections 3864 and 3873-A, may be conducted via videoconference utilizing a system that allows attorneys, examiners, and other interested parties the option to appear remotely without having to be physically present either at the psychiatric hospital or courthouse.

The Judicial Branch is aware that, as of the time of this order, not all psychiatric hospitals and District Courts will have fully established the necessary connections to implement such a videoconference system and that some attorneys, examiners, or other interested parties may not personally have the technologies to engage in videoconferencing. Although videoconferencing is strongly preferred, in the limited instances where such a system is not fully established or accessible, then the mental health hearings may be conducted using a hybrid videoconference-telephonic approach where possible that allows for the parties and witnesses be both seen and heard. Where appropriately safe, the District Court may also permit attorneys, examiners, or other interested parties to appear in person at the courthouse. Such requests for videoconference or for personal appearance at the courthouse can be made without motion and directed to the Clerk of the District Court via email. In all cases, the hearings shall be conducted in a manner sufficient to comport with due process requirements.

SO ORDERED.

Dated: 03/27/2020

/s/
Susan Sparaco, Chief Judge
Maine District Court

/s/
Jed French, Deputy Chief Judge
Maine District Court

**STATE OF MAINE
UNIFIED CRIMINAL COURT
SUPERIOR COURT
DISTRICT COURT**

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, by Order of the Trial Chiefs, no jury trials shall be conducted for the months of April and May, 2020, and no prospective trial jurors shall be summonsed for the month of May, 2020 by the respective Clerks of the Unified Criminal Courts. Additionally, no grand jury proceedings will be conducted and no grand juries will meet during the month of April or May. This Emergency Order shall be reviewed on a monthly basis by the Trial Chiefs.

SO ORDERED.

Date: March 25, 2020

/s/

Robert E. Mullen, Chief Justice
Maine Superior Court

/s/

Susan Sparaco, Chief Judge
Maine District Court