

**STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER**

Order Issued July 21, 2020
(revised July 23, 2020)
(revised November 3, 2020)
(revised December 22, 2020)
(revised February 17, 2021)
(revised April 1, 2021)
(revised June 1, 2021)

**Emergency Rules from the Supreme Judicial Court
for Forcible Entry and Detainer (Eviction) Cases**

On March 13, 2020 the Supreme Judicial Court issued an Emergency Order suspending Forcible Entry and Detainer (“eviction”) cases. That Order was later modified by PMO-SJC-1 and again by the State of Maine Judicial Branch COVID-19 Phased Management Plan (the “Plan”) issued on May 27, 2020. The court did not schedule or hear eviction cases beginning March 13, 2020.¹ The Plan provided that beginning in Phase 4 (August 3-September 4, 2020), the court would lift the restriction on scheduling and hearing evictions.

To aid individuals and businesses harmed by the pandemic, the federal government enacted the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. §§ 9057 & 9058) (the “CARES Act”). Before it expired, the CARES Act provided a temporary moratorium on eviction filings as well as other protections for tenants in certain rental properties with federal assistance or federally-related financing. Various other federal agencies and programs also issued moratoria on foreclosures and evictions for certain covered dwellings. Since the resumption of eviction proceedings in Maine, plaintiffs seeking to recover possession of property through eviction actions may have been subject to the federal moratoria on evictions either imposed through the CARES Act or administered by other federal agencies and programs. Eviction actions subject to federal moratoria include certain single-family and multi-family rental

¹ The Plan allowed certain requests for writs of possession as provided by the Governor’s Executive Order Number 40, dated April 16, 2020. The Governor’s Executive Order Number 5, dated July 30, 2020, repealed and replaced Executive Order Number 40.

properties receiving or benefitting from federal assistance or federally-related financing.

Consistent with the Plan's preference for remote court proceedings, most eviction actions will continue to first be scheduled for an initial telephonic status conference, at which the case may be referred to mediation, when appropriate, scheduled for a final hearing, or both. Final hearings will be held in person at the courthouse unless otherwise ordered by the court or agreed upon by the parties and the court during the telephonic conference, or upon the granting of a party's motion to participate remotely at the final hearing.

Beginning in February of 2021, a few courts began to pilot a remote docket call, whereby eviction cases are in order for remote mediation, a remote final hearing, or both, on the return day. Final hearings in these pilot project courts are presumed to be conducted remotely unless the court grants a party's motion to participate in person pursuant to PMO-SJC-7(B), or the parties and the court agree during the remote docket call that the final hearing shall be held in person at the courthouse.

PMO-SJC-6(A). REQUIREMENTS FOR ALL EVICTION ACTIONS

The following procedures shall apply to all eviction actions through June 30, 2021, or until further order of the court:

1. Plaintiffs shall no longer need to file a Forcible Entry and Detainer Cares Act or Federal Program Verification form in order to initiate or prosecute a Forcible Entry and Detainer action.

PMO-SJC-6(B). PROCESS FOR INITIAL TELEPHONIC CONFERENCE

The following procedures shall apply to eviction actions scheduled for an initial telephonic conference, through June 30, 2021, or until further order of the court:

1. All eviction actions will be scheduled for initial telephonic status conferences unless scheduled for a remote docket call in a pilot project court or otherwise ordered by the trial court.

2. At the initial telephonic status conference:
 - a. If the plaintiff fails to appear, the eviction action shall be dismissed without prejudice.
 - b. If the defendant fails to appear, the eviction action shall be scheduled for a final hearing.
 - c. If both parties fail to appear, the eviction action shall be dismissed without prejudice.

3. At the final hearing:
 - a. If the defendant failed to appear at the initial telephonic status conference pursuant to PMO-SJC-6(B)(2)(b), the defendant shall be afforded the opportunity to show good cause for failure to appear at the telephonic status conference.
 - i. If the defendant shows good cause, the final hearing shall proceed with opportunity for both parties to present all claims and defenses.
 - ii. If the defendant fails to show good cause, judgment may be entered in favor of the plaintiff by default, provided the plaintiff shows that the eviction is not prohibited by federal moratoria on evictions.
 - b. If the defendant fails to appear, judgment may be entered in favor of the plaintiff by default, provided the plaintiff shows that the eviction is not prohibited by federal moratoria on evictions.
 - c. If the plaintiff fails to appear, the eviction action shall be dismissed with prejudice.
 - d. If both parties fail to appear, the eviction action shall result in a dismissal without prejudice.

PMO-SJC-6(C). PROCESS FOR PILOT PROJECT REMOTE DOCKET CALL

The following pilot project procedures shall apply to eviction actions scheduled for a remote docket call, through June 30, 2021, or until further order of the court:

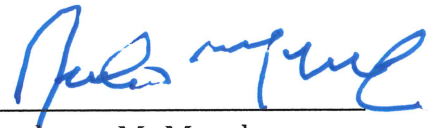
1. Addendum A to this Pandemic Management Order identifies the courts where the project will be piloted and the effective date of the pilot project for each court. Reasonable advance notice of the expansion of the Pilot Project to specific additional courts shall be provided by the subsequent posting(s) of an updated Addendum A to this Pandemic Management Order.
2. Eviction actions in pilot project courts shall be scheduled for a remote docket call unless otherwise ordered by the court.
 - a. Parties shall receive notice from the pilot project court of the remote docket call with information and instructions to access the courtroom.
 - b. Parties may request an alternative format for court proceedings prior to the remote docket call by filing and serving a motion on the other party or parties no later than 2 days before the scheduled docket call date, unless otherwise ordered by the court. If a party objects to the motion, the objecting party must file a written opposition no later than 24 hours after the motion is filed, unless otherwise ordered by the court.
3. At the remote docket call, eviction actions may be referred in real time to remote mediation, be scheduled for a remote final hearing, or both. The remote final hearing may take place the same day as the remote docket call as the court's schedule allows.
 - a. Pursuant to PMO-SJC-7(A), final hearings shall be presumed to be conducted remotely and shall comply with other provisions of PMO-SJC-7.
 - b. Parties may request an alternative format for the final hearing by filing and serving a motion on the other party or parties no later

than 10 days before the scheduled hearing date, unless otherwise ordered by the court. If a party objects to the motion, the objecting party must file a written opposition no later than 5 days after the motion is filed, unless otherwise ordered by the court.

- c. Parties may enter evidence onto the record during the final hearing pursuant to PPMO-SJC-2.
4. In pilot project courts at the remote docket call on the return date:
- a. If the defendant fails to appear, judgment may be entered in favor of the plaintiff by default, provided the plaintiff shows that the eviction is not prohibited by federal moratoria on evictions.
 - b. If the plaintiff fails to appear, the eviction action shall be dismissed with prejudice.
 - c. If both parties fail to appear, the eviction action shall result in a dismissal without prejudice.

Dated: June 1, 2021

For the Court:



Andrew M. Mead
Acting Chief Justice

Addendum A

The Pilot Project Remote Docket Call shall be held in the following courts effective on the dates listed below:

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| <u>Region 1</u> | <u>Effective Date</u> |
| York District Court | February 17, 2021 |
| Additional Court(s) to be determined | Anticipated May 1, 2021 |
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| <u>Region 3</u> | |
| Farmington District Court | February 17, 2021 |
| Additional Court(s) to be determined | Anticipated May 1, 2021 |
| | |
| <u>Region 6</u> | |
| Additional Court(s) to be determined | Anticipated May 1, 2021 |
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| <u>Region 7</u> | |
| Ellsworth District Court | February 17, 2021 |