

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

(issued June 1, 2021)
(revised June 28, 2021)
(revised July 1, 2021)
(revised August 16, 2021)
(revised March 11, 2022)
(revised May 4, 2022)

**Administrative Order and
Notice from the Maine Supreme Judicial Court**

Starting in March of 2020, in response to the public health concerns caused by the novel coronavirus (COVID-19), Maine's Judicial Branch issued a series of Pandemic Management Orders (PMOs) addressing the wearing of masks, the need for social distancing, required health screening at all court facilities, limiting access to those facilities, mandating the use of remote hearing protocols, and limiting or banning certain types of dockets. Those PMOs were amended as circumstances changed and new information was learned. Given guidance from the Maine and United States Centers for Disease Control and Prevention and in light of the Governor's Executive Order 39 FY 20/21, the Supreme Judicial Court determined in June 2021 that most of those PMOs were no longer necessary, and they were rescinded.

However, because many of the practices, processes, and procedures implemented as a result of those PMOs had proven to be effective and efficient, the Court determined to continue some of those practices, processes, and procedures. Because the requirement for social distancing was removed, the Court determined that there is no longer a need to impose strict limits on the number of persons summonsed for arraignments and first appearances. Therefore, the last paragraphs of PPMO-SJC-1(E) (issued June 1, 2021) were deleted effective June 28, 2021.

Maine's State of Civil Emergency and the mandated use of face coverings indoors ended on June 30, 2021. The Maine Center for Disease Control and Prevention continued to recommend that unvaccinated people—including those under age 12 who are not yet eligible for a COVID-19 vaccine—wear face

coverings indoors. Because of these changes, the Court determined that there was no longer a need to require all members of the public to wear face coverings in court facilities, but there was still a need for some precautions. Therefore, PPMO-SJC-1(A) (issued June 1, 2021) was amended and PPMO-SJC-1(B) (issued June 1, 2021) was deleted and replaced effective July 1, 2021.

Due to an increase in the number of infections statewide, the Court, in the revision of August 16, 2021, reinstated the face covering requirements that were in place under PPMO-SJC-1(A) and (B) (issued June 1, 2021).

Based on the science regarding the effectiveness of wearing different types of masks, effective January 17, 2022, the Court required members of the public to wear an N-95 mask, a KN-95 mask, or a 3-ply surgical mask when masks were required in court facilities. Three-ply surgical masks were provided to members of the public at entry screening to ensure compliance.

Given guidance from the Maine and United States Centers for Disease Control and Prevention, the requirement of masks was lifted effective March 14, 2022, and we rescinded PPMO-SJC-1(A) and (B), which previously governed the wearing of face coverings in court facilities and courtrooms, with the exception that some individual small rooms may be specifically posted to require the wearing of masks in those rooms. Health status requirements have also been updated.

PPMO-SJC-1(A) [Rescinded]

PPMO-SJC-1(B) [Rescinded]

PPMO-SJC-1(C) HEALTH STATUS REQUIREMENTS

Regardless of vaccination status, no person may enter a courthouse or other Judicial Branch facility if that individual:

1. Is experiencing symptoms related to COVID-19, or
2. Has tested positive for COVID-19 or been advised to self-quarantine within the last 5 days.

PPMO-SJC-1(D) COURTHOUSE CASE SCHEDULING

Each Region shall create and implement schedules tailored to the needs of that Region.

PPMO-SJC-1(E) FORMATS FOR COURT PROCEEDINGS

Each presiding judicial officer has the discretion to conduct conferences, hearings, and trials remotely through video or telephonic formats, or in person. Each judicial officer has the discretion to allow counsel, parties, and witnesses to participate remotely through video or telephonic formats, or in person in any conference, hearing, or trial. In determining the format of the proceeding, a judicial officer shall consider the health and safety of the court staff, parties, and witnesses; the ability of parties to participate remotely; the effect its decision will have on the availability, to other parties, of limited Judicial Branch resources, including courtroom space, technology assistance, and clerical assistance; and any other relevant information.

PPMO-SJC-2, issued this same date, provides guidance for conducting and participating in remote proceedings.

PPMO-SJC-1(F) ORDER REGARDING THE TIMELY FILING OF CRIMINAL COMPLAINTS AND LIMITS ON THE NUMBER OF PERSONS ASSIGNED A SPECIFIC ARRAIGNMENT DATE

In order to allow the courts to address the backlog of cases and newly-filed cases in a consistent and efficient manner, all criminal complaints and/or summonses must be filed with the Clerk's Office at least 14 days before the scheduled arraignment date. The only exception to this requirement is for new criminal complaints for persons who are currently in custody and have not made bail on the new charges.

If a complaint or summons is filed later than 14 days before the arraignment date, the Clerk's Office will reject the filing and the prosecutor or law enforcement officer attempting to file the complaint or summons will be required to have the person re-summonsed for a new arraignment date. The

new arraignment date must be at least 21 days after service, and the complaint or summons must be filed at least 14 days before the new arraignment date.

PPMO-SJC-1(G) ORAL ARGUMENTS IN THE SUPREME JUDICIAL COURT

Oral arguments scheduled before the Supreme Judicial Court, sitting as the Law Court, may be conducted either by in-person oral arguments or remote video arguments, at the discretion of the Justices. The Clerk of the Law Court will notify parties of the mode and schedule of review.

PPMO-SJC-1(H) BOARDS AND COMMITTEES

All boards and committees established by the Maine Supreme Judicial Court continue to be authorized to conduct any and all meetings, conferences, and other activities by means of an electronic medium without in-person participation.

PPMO-SJC-1(I) RESCISSION OF PMOs

The following PMOs have been rescinded:¹

- PMO-SJC-1 (compendium of multiple provisions);
- PMO-SJC-2(B);
- PMO-SJC-5 (quarantine procedures);
- PMO-SJC-7 (remote proceedings and public access);
- PMO-SJC-9 (screening questions upon entry to a court facility);
- PMO-SJC-10 (procedures for hearing child protection cases); and,
- PMO-SJC-11 (extending continuing legal education deadlines).

¹ PMO-SJC-3 no longer authorizes the acceptance of emailed filings but continues to provide for the acceptance of emailed proposed orders (*see* Administrative Order JB-22-01) and Guardian ad Litem reports. PMO-SJC-3A (emailed filings in Protection from Abuse and Protection from Harassment matters), as amended, remains in full force and effect. Administrative Order JB-21-06 has also been promulgated to authorize the use of ShareFile, a proprietary online platform created by Citrix™, to file documents in designated locations.

OTHER POST-PANDEMIC MANAGEMENT ORDERS

Other post-pandemic management orders of the Supreme Judicial Court and the Trial Court Chiefs can be found at this site: <https://www.courts.maine.gov/covid19/orders.html>.

Dated: May 4, 2022

For the Court:

_____/s/
Valerie Stanfill
Chief Justice