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

2014 Me. Rules 12

Effective: November 1, 2014

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 understanding of the amendments, 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 59(c) of the Maine Rules of Civil Procedure is amended to read as follows:

(c) Time for Serving Affidavits. When a motion for new trial is based upon affidavits they shall be served with the motion. The opposing party ~~has 10 days after such service within which to~~ shall serve opposing affidavits within 24 days after the entry of judgment, which period may be extended for an additional period either by the justice or judge before whom the action has been tried for good cause shown or by the parties by written stipulation. Such justice or judge may permit reply affidavits.

Advisory Note – October 2014

Rule 59(c) is amended to require service of affidavits in opposition to a motion for new trial within 24 days after the entry of judgment. The rule formerly required service of such affidavits within 10 days after service of the affidavits offered in support of the motion for new trial.

2. Rule 81(b)(2)(D) of the Maine Rules of Civil Procedure is amended to read as follows:

(b) Limited Applicability.

. . . .

(2) *District Court.* These rules do not apply to the beginning and conducting of the following actions and proceedings in the District Court:

. . . .

(D) Proceedings for commitment, ~~or~~ recommitment, or admission to a progressive treatment program of persons mentally ill ~~or proceedings for admission to a progressive treatment program for persons with mental illness~~.

Advisory Note – October 2014

Rule 81(b)(2)(D) is amended to simplify its language.

3. Rule 93(i) of the Maine Rules of Civil Procedure is amended to read as follows:

(i) Multiple Sessions.

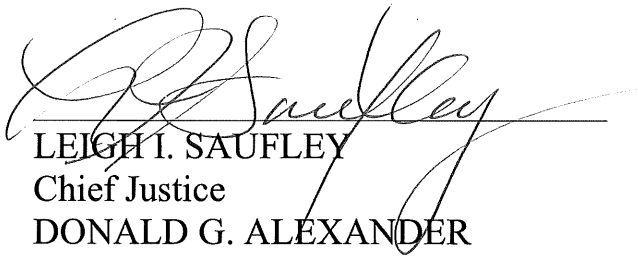
Mediators are authorized to schedule additional or follow-up sessions, if necessary. Such sessions will be conducted in the same manner as the original session, and will not extend the time limit to complete mediation set in subsection ~~(e)(4)~~ (e)(2) unless the parties agree to such an extension or unless the court finds that such an extension is necessitated by a plaintiff's delay.

Advisory Note – October 2014

Rule 93(i) is amended to replace a reference to subsection (e)(4) with a reference to subsection (e)(2). Because former subsections (e)(2) and (e)(3) were stricken as described in Advisory Note – June 2014 to Rule 93, former subsection (e)(4) was renumbered as subsection (e)(2).

Dated: October 7, 2014

FOR THE COURT[1]



LEIGH I. SAUFLEY
Chief Justice
DONALD G. ALEXANDER
WARREN M. SILVER
ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
JEFFREY L. HJELM
Associate Justices

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