

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

2017 Me. Rules 05

Effective: May 30, 2017

All of the Justices concurring therein, the following amendment to the Maine Rules of Civil Procedure is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in understanding of the amendment, an Advisory Note appears after the text of the 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 77(c) of the Maine Rules of Civil Procedure is amended to read as follows:

(c) Clerk's Office and Orders by Clerk. The clerk's office with the clerk or a deputy in attendance shall be open ~~during such hours as the Chief Justice of the Superior Court, or Chief Judge of the District Court as the case may be, may designate~~ on all days except Saturdays, Sundays, and legal holidays, and ~~except~~ such other days as the Chief Justice of the Supreme Judicial Court or Chief Judge may designate. The hours of operation shall be designated by the Chief Justice of the Supreme Judicial Court by way of administrative order. All motions and applications in the clerk's office for issuing mesne process, for issuing final process to enforce and execute judgments, for entering defaults or judgments by default, and for other proceedings that do not require allowance or order of the court are grantable of course by the clerk; but the clerk's action may be suspended or altered or rescinded by the court upon cause shown.

Advisory Note – May 2017

Rule 77(c) is changed to address an inconsistency with Maine Rule of Unified Criminal Procedure 54(b) regarding the hours of operation of the Clerk's offices. For years, both Rules were identical and provided that the chiefs of the trial courts had authority to designate the hours of operation.

This direction may have been necessary to address what were formerly different clerks' offices for each trial court in many courthouses. However, with practical consolidation of most clerks' offices as a result of changes resulting from the adoption the Maine Rules of Unified Criminal Procedure, decision-making by both trial court chiefs was no longer necessary. Recently Criminal Rule 54(b) was amended to provide that the Chief Justice of the Supreme Judicial Court has the authority to designate those hours of operation. The first two sentences of Rule 77(c) now incorporate the language of Criminal Rule 54(b).

Dated: May 30, 2017

FOR THE COURT,*

_____/s/_____
LEIGH I. SAUFLEY
Chief Justice

DONALD G. ALEXANDER
ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
JEFFREY L. HJELM
THOMAS E. HUMPHREY
Associate Justices

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