

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

1. Rule 30(b) of the Maine Rules of Civil Procedure is amended to read as follows:

**RULE 30. DEPOSITIONS UPON ORAL EXAMINATION**

....

**(b) Notice of Examination: General Requirements; Special Notice; Non-stenographic Recording; Production of Documents and Things; Deposition of Organization.**

....

- (4) A deposition may be recorded by:
- (A) Shorthand writing,
  - (B) Stenotype machine,
  - (C) Tape recording with multi-track tape,
  - (D) Video camera recording, or
  - (E) Any other method agreed to by the parties or approved by the court.

Any method for recording a deposition shall:

- (A) Comply with the requirements of Rule 28;
- (B) Assure an accurate and trustworthy recording;
- (C) Provide clear identification of the separate speakers;

(D) Permit editing for use at trial in a manner that will allow expeditious removal of objectionable and extraneous material without significant disruption in presentation of the edited testimony to a jury;

(E) Allow prompt preparation of a written transcript of the proceedings if such is ordered by any party or the court; and

(F) Allow prompt copying of any audio or video tape of the proceedings, where an audio or video tape is used, if such is ordered by any party or the court.

Any party may object to the taking of a deposition on the grounds that the recording method is not one of those approved above, or that the recording method will not comply with one or more of the criteria (A) through (F) above. Such an objection shall be served in writing and received by the other parties and the court at least 3 days prior to the scheduled date for the deposition. Where such an objection is served, the deposition shall be deferred until such time as the objection is heard by the court.

In a video deposition, the camera shall focus only on the witness and any exhibits utilized by the witness, unless the parties agree otherwise.

Any ~~other~~ party may record a deposition by any means, provided that the recording does not disrupt or impede the deposition process. The method of recording specified in the notice by the party noticing the deposition shall constitute the only official record of the deposition. Any party intending to record a deposition by another means designated in subdivision (b)(4) of this rule shall give notice in writing to every other party of the additional recording method.

### **Advisory Note – January 2018**

The amendment to Rule 30(b) permits recording by any party at a deposition. Specifically, it provides that, upon notice in writing to all other parties, a party may make a recording by another means listed in Rule 30(b)(4). The amendment does not change the current language that “[t]he method of

recording specified in the notice by the party noticing the deposition shall constitute the only official record of the deposition.” The purpose of the amendment is to allow parties to make a recording for their own trial preparations.