

RULE 6. TIME

(a) Computation. In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

For the purpose of this subdivision legal holidays shall include days on which the Chief Justice of the Superior Court or Chief Judge of the District Court pursuant to Rule 77(c) specifically orders the clerk's office closed.

(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect, but it may not extend the time for taking any action under Rules 50(b), 52(b), 59(b), (d), and (e), and 60(b), except to the extent and under the conditions stated in those rules.

(c) Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, 3 days shall be added to the prescribed period.

Advisory Committee's Notes July 1, 2001

This amendment [to Rule 6(b)] deletes the reference to Rule 73(a) which is being replaced by the Maine Rules of Appellate Procedure.

Advisory Committee's Notes May 1, 2000

Subdivision (a) is amended to add the word “legal” in front of the word “holidays.”

Subdivision (c) indicating that time is not affected by expiration of terms of court is stricken. This is archaic language that bears no relation to present practices now that terms of court no longer exist.

Subdivision (d) is in the present rule is redesignated subdivision (c).

**[1995] Advisory Committee’s Note to
Withdrawal of 1995 Amendment of M.R. Civ. P. 6(a)**

The Court promulgated an amendment of Rule 6(a) effective February 15, 1995, that adopted a recent amendment of Federal Rule 6 extending from 7 to 11 days the period in which holidays and weekends are not counted in computing time. Order of January 6, 1995, Me. Rptr., 645-654 A.2d XXX. Concerned that such a rule would have unintended effects on statutory time provisions because of the incorporation of Rule 6(a) in 1 M.R.S.A. § 71(12), the Court stayed the amendment prior to the effective date. *See* Order of February 2, 1995, Me. Rptr., 645-654 A.2d XXIX. Subsequently, the Advisory Committee recommended to the Court that the operation of the amendment be further suspended pending study of the issue. The amendment is now permanently withdrawn because the benefit of conformity with the federal rule is outweighed by the potential for confusion and inconsistency in Maine law.

**Advisory Committee's Note
May 13, 1974**

This amendment is made simultaneously with the amendment of Rule 77(c) placing in the hands of the Chief Justice of the Supreme Judicial Court the fixing of days on which the clerks' offices will be closed. In order to avoid prejudicing the rights of any party seeking to file documents on a day when a clerk's office is closed by order of the Chief Justice, such a day is, for purposes of computing time periods, treated as a legal holiday, that is, excluded from the count of days when the end of the time period falls on that day.

**Advisory Committee's Note
November 1, 1969**

The notice of the hearing on a motion, which is required to be served not later than 7 days before the time specified for the hearing, should in order to mean anything specify a definite date on which the hearing will in fact be held. Oftentimes, however, the moving party at the time that he must file a motion, as, for example, a motion under Rule 12, will not know at what definite date the court will be able to hear the motion. Accordingly, it may be necessary to serve the notice of motion separate from the motion itself, although it is obviously preferable if possible to serve them together. Existing Rule 6(d) does not require the motion and notice of hearing thereof to be served together. It merely requires that both be served not later than 7 days before the time specified for the hearing. However, in order to eliminate any possible ambiguity, Rule 6(d) is amended to authorize expressly the separate service of the two papers. As a matter of courtesy to opposing counsel, the moving party should inform him of his intention to serve the notice of hearing just as soon as a definite date for it is known.

**Advisory Committee's Note
December 31, 1967**

The change of the rules referred to by number in Rule 6(b) works no substantive change. It is necessary in light of the rearrangement of the rules relating to the record on appeal to the Law Court.

**Explanation of Amendment
November 1, 1966**

This amendment was adopted to conform to the language of Maine Criminal Rule 45(d), by requiring seven days notice of a motion hearing, rather than five.

**Reporter's Notes
December 1, 1959**

This rule is substantially the same as Federal Rule 6.

Rule 6(a) is declaratory of present Maine practice except for the exclusion of Saturdays, Sundays and holidays in computing a period of time of less than 7 days. This exclusion is contrary to the holding in *Cressey v. Parks*, 75 Me. 387.

Rule 6(b) deals with enlargement of the time for doing any act under these rules. It is to be noted that most time periods may be extended on motion after, as well as before, the expiration of the specified period, but there are several

important exceptions. The time cannot be extended either before or after its expiration for any of the following acts except to the extent and under the conditions stated in the particular rule: a motion for judgment notwithstanding the verdict under Rule 50(b), a motion to amend findings in a non-jury case under Rule 52(b), a motion for new trial by a party under Rule 59(b), on the initiative of the court under Rule 59(d), or to amend a judgment under Rule 59(e), a motion for relief from a judgment under Rule 60(b), an appeal to the Law Court under Rule 73(a), filing the record on appeal under Rule 73(d) [now Rule 74(o)], and designation of contents of record on appeal under Rule 75(a) [now Rule 74(a)].

Rule 6(c) is a drastic change in Maine practice. It abolishes the fixing of time for doing any act under the rules in relation to terms of court. This does not mean any change in the times the court will sit in the various counties as fixed by R.S. 1954, Chap. 106, Sec. 11 [now 4 M.R.S.A. § 110]. It merely affects the time for doing various acts under the rules. For instance, the time for filing an answer under Rule 12(b) is within 20 days after service of the summons and complaint, rather than within the first three days of the return term. The distinction between term time and vacation ceases to be of significance under these rules. The 1959 amendment to R.S.1954, Chap. 113, Sec. 39 [now 14 M.R.S.A. § 1101], is identical to the last sentence of Rule 6(c).