

**STATE OF MAINE  
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-05-8 (A. 10-13)

DISTRICT COURT REPRESENTATION BY EMPLOYEES OF BUREAU OF  
UNEMPLOYMENT COMPENSATION, DEPARTMENT OF THE ATTORNEY  
GENERAL OR BUREAU OF REVENUE SERVICES AND MEMBERS OF  
CERTAIN LIMITED LIABILITY COMPANIES IN COURT MATTERS

Effective: October 9, 2013

The following order governs rules for court representation of the Bureau of Unemployment Compensation, Department of the Attorney General, and Bureau of Revenue Services by designated employees, and representation of a limited liability company by a member of that company. This Order is issued to add to the title, "AND MEMBERS OF CERTAIN LIMITED LIABILITY COMPANIES IN COURT MATTERS," to add section II in view of 4 M.R.S. § 807(3) (to be repealed on September 1, 2016), and to change formatting.

I. COURT REPRESENTATION BY BUREAU/DEPARTMENT  
EMPLOYEES IN CERTAIN DISCLOSURE AND ARRAIGNMENT  
PROCEEDINGS

A. Employees of the Bureau of Unemployment Compensation designated by the head of the Bureau may serve civil process and represent the Bureau in District Court in disclosure proceedings pursuant to 14 M.R.S. §§ 3120-3136, ancillary to the collection of taxes and overpayments for which warrants have been issued pursuant to 26 M.R.S. §§ 1041-1251.

(1) Employees of the Bureau of Revenue Services designated by the head of the Bureau may serve civil process and represent the Bureau in District Court in disclosure proceedings pursuant to 14 M.R.S. §§ 3120-3136, ancillary to the collection of taxes for which warrants have been issued pursuant to Title 36 of the Maine Revised Statutes, and may represent the State Tax

Assessor in arraignment proceedings in District Court in cases where a criminal complaint has been filed alleging violation of 36 M.R.S. §§ 5332-5333.

- (2) Employees of the Department of the Attorney General designated by the Attorney General may serve civil process and represent the State in District Court in disclosure proceedings pursuant to 14 M.R.S. §§ 3120-3136.
- (3) Any employee representing either Bureau or the Department in any proceeding must be certified by the head of the Bureau/Department as being familiar with relevant court procedures. Such certification shall be in writing and shall be made available to the court upon the request of the presiding judge or any party.

B. Certification and Standards

- (1) The Bureau of Unemployment Compensation, the Bureau of Revenue Services, and the Department of the Attorney General shall develop a certification program to assure familiarity of designated employees with the provisions and operation of Title 14 of the Maine Revised Statutes relating to disclosure matters and related court procedures.
- (2) The Bureau of Revenue Services shall develop a comparable program to assure familiarity of designated employees with court procedures relating to arraignments.
- (3) Each designated Bureau/Department employee shall successfully complete an appropriate examination testing the employee's familiarity with those subjects. That examination, administered by each Bureau or the Department, shall be subject to approval by the Chief Judge of the District Court or his/her designee.

## II. COURT REPRESENTATION BY MEMBER OF A LIMITED LIABILITY COMPANY

A person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney may appear for that company in an action for forcible entry and detainer pursuant to 14 M.R.S. §§ 6001-6016.

For the Court,

/s/

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Leigh I. Saufley  
Chief Justice

Promulgation Date: October 28, 2013

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District Court Representation By Employees Of Bureau Of Unemployment Compensation, Department Of The Attorney General Or Bureau Of Revenue Services and Members of Certain Limited Liability Companies in Court Matters

A.O. JB-05-08 (A. 10-13) Effective October 9, 2013, and signed October 28, 2013.

Signed by: Hon. Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court.

Issued to add to the title, “AND MEMBERS OF CERTAIN LIMITED LIABILITY COMPANIES IN COURT MATTERS,” to add subparagraph 2 in view of 4 M.R.S. § 807(3)(R) (to be repealed on September 1, 2016), and to change formatting.

### **Historical Derivation of JB-05-8:**

District Court Representation by Employees of Bureau of Unemployment Compensation, Department of the Attorney General or Bureau of Revenue Services

A.O. JB-05-8 Effective: August 1, 2005, Dated: June 29, 2005

Signed by: Leigh I. Saufley, Chief Justice, Maine Supreme Judicial Court.

District Court Representation by Employees of Bureau of Employment Security & Bureau of Taxation  
AO Dated: December 4, 1987

Signed by: Vincent L. McKusick, Chief Justice; and David A. Nichols, Daniel E. Wathen, Louis Scolnik, Robert W. Clifford, Associate Justices, Maine Supreme Judicial Court