

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

2020 Me. Rules 07

Effective: December 16, 2020

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 the understanding of each 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 30(h) of the Maine Rules of Civil Procedure is amended to read as follows:

(h) Depositions for Use in Foreign Jurisdictions. The deposition of any person may be taken in this state upon oral examination pursuant to the requirements of the Uniform Interstate Depositions and Discovery Act, 14 M.R.S. §§ 401-408. The Maine Rules of Civil Procedure and the provisions of 16 M.R.S. §§ 101, 102, and 251 apply to depositions and discovery carried out under the Act.

~~(1) The deposition of any person may be taken in this state upon oral examination pursuant to the laws of another state or of the United States or of another country for use in proceedings there.~~

~~(2) If a party seeking to take a deposition or depositions under this subdivision files with the clerk in the county where any deponent resides or is employed or transacts business in person an application as provided in paragraph (3) of this subdivision,~~

~~(i) the clerk shall docket the application as though it were a pending action under these rules and may issue a subpoena or subpoenas as provided in Rule 45, in aid of the taking of the deposition of any person named or described in the application;~~

~~(ii) whether or not a subpoena has issued, any deponent or party may apply for and be granted any appropriate relief as provided in subdivision (d) of this rule and in Rules 37(a) and 37(b)(1).~~

~~(3) The application required by paragraph (2) of this subdivision shall bear the same title as the action or proceeding in the court where it is pending and shall set forth~~

~~(i) The name and location of the court in which the action or proceeding is pending.~~

~~(ii) The title and docket or other identifying number of the action or proceeding in the court where pending.~~

~~(iii) A brief statement of the nature of the action or proceeding and the provisions of the laws of the jurisdiction where the action or proceeding is pending which authorize the deposition.~~

~~(iv) The time and place for taking each deposition.~~

~~(v) The name and address of each person to be examined, if known, and if the name is not known a general description sufficient to identify the person or the particular class or group to which the person belongs.~~

~~(vi) If a subpoena duces tecum is to be served, a designation of the materials to be produced.~~

~~(vii) A statement that timely and adequate notice of the taking has been given to all opposing parties either in the manner required by the laws of the jurisdiction where the action or proceeding is pending or in the manner provided in paragraph (1) of subdivision (b) of this rule.~~

~~The application shall be signed by a member of the bar of this state, and the member's signature constitutes a certification by the member that to the best of the member's knowledge, information, and belief all statements and supporting facts contained therein are true. The sanctions provided by Rule 11 are applicable to the certification.~~

Advisory Note – December 2020

Rule 30(h) is amended to bring the Maine Rules of Civil Procedure into conformity with the Uniform Interstate Depositions and Discovery Act.

2. Rule 31(d) of the Maine Rules of Civil Procedure is amended to read as follows:

(d) Depositions for Use in Foreign Jurisdictions. ~~The deposition of any person may be taken in this state upon written questions pursuant to the laws of another state or of the United States or of another country for use in proceedings there. The provisions of Rule 30(h)(2) and (3) apply to such depositions.~~ The deposition of any person may be taken in this state upon written questions pursuant to the requirements of the Uniform Interstate Depositions and Discovery Act, 14 M.R.S. §§ 401-408. The Maine Rules of Civil Procedure and the provisions of 16 M.R.S. §§ 101, 102, and 251 apply to depositions and discovery carried out under the Act.

Advisory Note – December 2020

Rule 31(d) is amended to bring the Maine Rules of Civil Procedure into conformity with the Uniform Interstate Depositions and Discovery Act.

Dated: December 16, 2020

FOR THE COURT,*

_____/s/_____
ANDREW M. MEAD
Acting Chief Justice

ELLEN A. GORMAN
JOSEPH M. JABAR
THOMAS E. HUMPHREY
ANDREW M. HORTON
CATHERINE R. CONNORS
Associate Justices

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