

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

2021 Me. Rules 03

Effective: March 16, 2021

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 the amendments, an Advisory Note appears after the text of each 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 76G(c) of the Maine Rules of Civil Procedure is amended to read as follows:

(c) Scheduling of Oral Argument. Unless the Superior Court determines that oral argument is unnecessary or otherwise directs, all appeals shall be in order for hearing 20 days after the date on which appellee's brief is due or is filed, whichever is earlier. The parties may, by agreement, waive hearing and submit the matter for decision on the record and the briefs. The clerk of the Superior Court shall schedule oral argument for the first appropriate date after the appeal is in order for hearing, and shall notify each counsel of record or unrepresented party of the time and place at which oral argument will be heard.

Advisory Note – March 2021

Rule 76G(c) is amended to provide, consistent with the construction of Rule 80C in *Lindemann v. Comm'n on Governmental Ethics & Election Pracs.*, 2008 ME 187, ¶¶ 23-26, 961 A.2d 538, that the court may, within its discretion, determine not to hear oral arguments in an administrative appeal to the Superior Court.

2. Rule 80B(l) of the Maine Rules of Civil Procedure is amended to read as follows:

(l) Scheduling of Oral Argument. Unless the court determines that oral argument is unnecessary or otherwise directs, all appeals shall be in order for oral argument 20 days after the date on which the responding party's brief is due or is filed, whichever is earlier. The parties may, by agreement, waive hearing and submit the matter for decision on the record and the briefs. The clerk of the Superior Court shall schedule oral argument for the first appropriate date after an appeal is in order for hearing, and shall notify each counsel of record or unrepresented party of the time and place at which oral argument will be heard.

Advisory Note – March 2021

Rule 80B(l) is amended to provide, consistent with the construction of Rule 80C in *Lindemann v. Comm'n on Governmental Ethics & Election Pracs.*, 2008 ME 187, ¶¶ 23-26, 961 A.2d 538, that the court may, within its discretion, determine not to hear oral arguments in an administrative appeal to the Superior Court seeking review of governmental action.

3. Rule 80C(l) of the Maine Rules of Civil Procedure is amended to read as follows:

(l) Scheduling of Oral Argument. Unless the court determines that oral argument is unnecessary or otherwise directs, all appeals shall be in order for oral argument 20 days after the date on which the responding party's brief is due or is filed, whichever is earlier. The parties may, by agreement, waive hearing and submit the matter for decision on the record and the briefs. The clerk of the court shall schedule oral argument for the first appropriate date after an appeal is in order for hearing, and shall notify each counsel of record or unrepresented party of the time and place at which oral argument will be heard.

Advisory Note – March 2021

Rule 80C(l) is amended to provide, consistent with *Lindemann v. Comm'n on Governmental Ethics & Election Pracs.*, 2008 ME 187, ¶¶ 23-26, 961 A.2d 538, that the court may, within its discretion, determine not to hear oral arguments

in an administrative appeal to the Superior Court seeking review of final agency action.

Dated: March 16, 2021

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.