

RULE 140. ELECTRONIC SERVICE

(a) Definition. “Electronic Service” means the electronic transmission of:

(1) A notice required or permitted to be given by the court to a party pursuant to the BCD Procedural Rules or other Maine Rules of Civil Procedure; or

(2) A pleading or document required to be served by one party upon another party pursuant to the BCD Procedural Rules or other Maine Rules of Civil Procedure.

Electronic Service is not allowed if the pleading or document is one for which personal service is required by Rule 5. Electronic Service does not include service of process or summons by any party to gain jurisdiction over persons or property.

(b) Electronic Service of Notices by the Court. Any notice required or permitted to be given by the court in any matter assigned to the BCD shall be served electronically on all attorneys representing parties and unrepresented parties, except as otherwise permitted by Rule 140(d).

Hardcopy versions of all notices served electronically by the court shall be maintained in the court file and available at the BCD Clerk’s Office at 205 Newbury Street, Ground Floor, Portland, ME 04111.

(c) Electronic Service of Pleadings and Documents Among Parties. Any pleading or document required to be served by one party upon another party pursuant to the BCD Procedural Rules and other Maine Rules of Civil Procedure shall be served electronically, except as otherwise permitted by Rule 140(d) and provided that materials produced in discovery are not required to be produced or transmitted in electronic format.

(d) Alternative to Electronic Service. An attorney or unrepresented party who does not have and cannot acquire an electronic mail address may request that the court approve service in paper form pursuant to the Maine Rules of Civil Procedure or in such other manner as ordered by the court.

(e) Electronic Service Format. Notices, pleadings, or documents being transmitted electronically shall be sent or submitted as an attachment in portable document format (PDF) unless otherwise approved by the court. Electronic Service must comply with the requirements of Rule 138.

(f) Completion of Electronic Service. Electronic Service shall be complete when transmitted, presumed to have been received by the intended recipient, and shall have the same legal effect as an original paper document.

(g) Electronic Service Undeliverable. If service is made to the recipient's most current electronic mail address on file with the court and returned as undeliverable, service must then be made by regular mail; provided, however, that unless alternative service has been authorized pursuant to Rule 140(d), any time period countable from the completion of service of a Notice by the Court shall be based upon the attempted service of the electronic notice.

(h) Time Periods. Unless prohibited by court rule or statute, the day of the Electronic Service shall not be included in calculating any time period prescribed for exercising any right, performing any duty, doing any act or making any response, except that this provision shall not affect any date-certain deadline or deadlines prescribed in the notice and Rule 6(c) shall not apply.