

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE RULES OF ELECTRONIC COURT SYSTEMS

2025 Me. Rules 04

Effective: May 23, 2025

All of the Justices concurring therein, the following amendment to the Maine Rules of Electronic Court Systems is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in the understanding of the 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 37 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 37. ELECTRONIC SIGNATURES AND DOCUMENT AUTHENTICITY

(A) Types of Electronic Signatures. The three forms of electronic signature allowed under this rule are defined as follows:

(1) “Facsimile signature” means a captured image incorporated in the document;

(2) “Scanned signature” means a signature affixed by the signer in ink on the signature line of a paper document and scanned with the document for electronic filing; and

(3) “Typographical signature” means a signature block with the name of the signer typed on the signature line preceded by “/s/”.

(B) Signatures of Justices, Judges, Magistrates, and Clerks. Any document that is signed by a justice, judge, magistrate, or court clerk and filed electronically must bear either a facsimile signature or a scanned signature.

(C) Signatures of Court Reporters. A court reporter's signature on any document or transcript prepared by a court reporter for inclusion in the court record must be a facsimile signature, a scanned signature, or a typographical signature.

(D) Signatures Required for Filing. Whenever a signature is required for filing a pleading, ~~or motion, or other written request for relief,~~ and that pleading, ~~or motion, or other written request for relief~~ is electronically filed, the document shall bear a scanned, facsimile, or a typographical signature ~~along with the typed name, address, email address, and telephone number of the registered user~~ and, if the filer is an attorney, the attorney's bar number.

(E) Penalty of Perjury, Acknowledgment, Notarization, and Attestation.

(1) Parties and Attorneys. Any party who is self-represented or attorney licensed to practice in Maine in a case who files and any attorney representing a party who is filing any document consisting of or containing statements, affirmations, or averments made by ~~the party that filer~~ that are ~~otherwise~~ required to be sworn under oath, acknowledged, attested, or notarized, may satisfy that requirement by filing file the document with without oath or notarization provided that, in lieu of an oath, the party affixes the party's filer's typographical or facsimile signature immediately below a declaration using the following language: "I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to \$5,000.~~00~~ if I give false information to the court."

(2) Nonparties. A document electronically filed or served using the EFS that is required by law to include a signature of a nonparty and to be signed under penalty of perjury or to be notarized, acknowledged, or attested may be filed electronically provided that the declarant, notary public, and any other necessary party or witness have properly signed in ink the paper form of the document and the executed document is converted for filing in a format that accurately reproduces the original signatures and contents of the document. By electronically

filing the document, the attorney or self-represented litigant attests that the document and signature are authentic.

(3) Oath and Signature for Charging Instruments. In all criminal proceedings, any complaint or information shall be electronically filed and made upon oath and signed by the attorney for the State. The electronic oath and signature of an attorney for the State on a charging instrument constitutes a representation by the signer that, to the best of the signer's information and belief, there is probable cause to support the charges presented. If a charging instrument is not signed in accordance with this rule, it shall not be accepted for filing.

(F) Documents Requiring Signature of Opposing Parties. A document to be filed electronically requiring the signatures of opposing parties must be signed by all parties in accordance with these rules. By electronically filing the document, the attorney or self-represented litigant attests that the document and signature are authentic.

(G) Certification. By electronically ~~filing or~~ submitting a document using the EFS or presenting a filing to a court clerk that is converted and filed, ~~the filer~~ a person is certifying compliance with the signature requirements of these rules. Signatures on the electronic document shall have the same legal effect as the signatures on the original document.

(H) Retention of Original Documents with Signatures of Anyone Other than the Filer Submitter. By electronically ~~filing~~ submitting a converted document, ~~the filer including certified documents,~~ a person certifies that the converted document is an accurate image of the original. A ~~filer~~ person who converts a paper document with the handwritten signature of anyone other than ~~the filer~~ that person to an electronic format for filing shall retain the original document in paper form for two years after the later of the entry of final judgment or the conclusion of an appeal and shall provide the original document upon request by the court. This rule does not affect other retention periods required by law.

Advisory Note – May 2025

Subdivision (D) of this rule is amended to reflect recent amendments to M.R. Civ. P. 11(a) to add “other written requests for relief” to pleadings and motions as documents that must be signed.

Subdivision (E) of this rule is amended to make clarifying wording changes. It distinguishes that, while sworn statements of licensed Maine attorneys and parties may be electronically signed without an oath or notarization if signed below the required declaration, sworn statements of nonparties must be physically signed and duly acknowledged/notarized and then scanned and filed into the EFS.

Subdivision (E) is also amended to address electronic oaths and signatures on charging instruments in criminal cases.

Dated: May 21, 2025

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
ANDREW M. HORTON
CATHERINE R. CONNORS
RICK E. LAWRENCE
WAYNE R. DOUGLAS
JULIA M. LIPEZ
Associate Justices

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