

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

2026 Me. Rules 01

Effective: January 31, 2026

All of the Justices concurring therein, the following amendments to the Maine Rules of Electronic Court Systems 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 1 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 1. SCOPE AND PRINCIPLES

(A) Scope. These rules define the scope of access to court records electronically stored by the Maine Judicial Branch and govern electronic filing and service of documents. Filers of documents that are conventionally filed into a court that uses the Electronic Filing System (EFS) must comply with these rules. They shall be construed to secure simplicity and fairness in administration and the elimination of unjustifiable expense and delay.

(1) These rules apply to:

(a) ~~Parties, persons, and entities~~ Anyone filing or requesting access to electronic court records; and

(b) All court staff and other persons conducting business on behalf of the court, including justices, judges, and magistrates, responding to requests for electronic court records.

(2) These rules do not apply to county probate courts or paper records and paper filings in existence on or made before the date these rules are implemented in the courthouse where the record is located.

(B) Principles. Public access to court records is restricted in certain instances by law. When public access to court records is not controlled by law, these rules will control public access, and every judge, justice, and magistrate applying these rules shall consider the following principles ~~listed below~~ in ~~doing so~~ determining public access:

(1) Public access to records can inform and educate the public about the workings of government, support accountability, and advance public safety;

(2) Persons who use the courts have a legitimate expectation of privacy. Providing access to personal details in court records can put the parties at risk and create a disincentive to use the courts;

(3) The public can be informed of court activity without having access to all of the personal details in a court record; and

(4) When digital information or data are made accessible by the public remotely, neither the Maine Judicial Branch nor any other entity or person has the practical ability to control its dissemination or use.

Advisory Note – January 2026

Rule 1 is amended by incorporating minor changes in wording to enhance clarity.

The Maine Rules of Electronic Court Systems do not offer guidance regarding court rules or procedure outside of electronic access and electronic filing; for such guidance, please refer to court procedural rules.

Case process, access, and security level do not change based on case status, including post-judgment status.

2. Rule 2 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 2. DEFINITIONS

(A) As used in these rules, unless the context otherwise indicates, the following terms have the following meanings:

(1) “Accept” or “Acceptance” in the context of electronic filing indicates entry of an electronic document submitted to the electronic filing system. Entry of a document submitted for electronic filing occurs after a court clerk has determined that the submission complies with the applicable civil and criminal procedural rules, including M.R. Civ. P. 5(f) and Rule 34 of these rules. Once the document is entered, that electronic filing becomes part of the electronic case file.

(2) “Accessible by the public” means that a court record is open to inspection by any member of the public and may be reproduced as permitted by these rules. Under these rules, some court records may be accessible by the public only at a courthouse, and other court records may be accessible by the public both remotely and at a courthouse.

“Accessible by the public” does not mean that the court will search for records when the requester does not have information sufficient to identify the specific court records sought.

(3) “Accessible by the public only at a courthouse” means that a court record may be inspected by any member of the public ~~only~~ at a public access computer at the courthouse or by another means through the clerk’s office. Juvenile case records that are accessible by the public only at a courthouse cannot be copied electronically nor may hard copies be provided by the court clerk. All other court records that are accessible by the public only at a courthouse cannot be copied electronically, but hard copies may be provided by the court clerk. A fee may be charged ~~for~~ copies.

(4) “Accessible by the public remotely” means that a court record may be inspected or reproduced by any member of the public ~~through an internet-based case management system accessible through a standard browser~~ remotely through the court’s electronic access platform. Court records that are accessible by the public remotely are also accessible by the public at a courthouse.

(5) “Aggregate data” means summary information extracted, assembled, or derived from compiled data. “Aggregate data” eliminates any case- or party-identifying information ~~such as including, but not limited to,~~ docket numbers, names, personally identifying information, and addresses.

(6) “Bulk data” means an electronic collection of data ~~composed of comprising~~ information derived from multiple records, whose primary relationship to each other is their shared origin from single or multiple databases. “Bulk data” is different from multiple individual records.

(7) “By law” means by federal or state law or regulation, court rule, including these rules, or administrative order.

(8) “Case management system” or “CMS” means an electronic document repository maintained, administered, and managed by the Maine Judicial Branch to track information and manage cases.

(9) “Child protection matter” means any child protection matter filed under Title 22 of the Maine Revised Statutes.

(10) “Civil case” means any case that is not a criminal case subject to Rule 5, a juvenile case subject to Rule 6, or a family matter, child protection matter, or protection order case subject to Rule 7.

~~(11) “Clerical error” means information in the court record that is obviously incorrect and that occurred as a result of a mistake made by court staff.~~

~~(12)~~ (11) “Compiled data” means information that is derived from the selection, collection, or reformulation of all or some of the information from the records of more than one case or judicial proceeding.

~~(13)~~ (12) “Conventional filing” and its variants mean ~~a process in which a filer submits a paper document that is then converted to electronic format by a court clerk and filed~~ any lawful means of filing documents that does not use the EFS.

~~{14}~~ **(13)** “Conventional service” and its variants mean service accomplished ~~in accordance with the applicable rules of civil, criminal, or appellate procedure~~ through any lawful means of serving documents that does not use the EFS.

~~{15}~~ **(14)** “Court” means the Supreme Judicial Court, the Superior Court, the District Court, and ~~all justices, judges, and magistrates of the specialty courts and dockets within~~ those courts.

~~{16}~~ **(15)** “Court clerk” means a manager of court operations, clerk of court, deputy clerk, assistant clerk, associate clerk, administrative clerk, ~~or~~ staff of a clerk’s office, or staff of the Service Center/Violations Bureau.

~~{17}~~ **(16)** “Court record”

(a) “Court record” means any file, document, information, or data received or maintained by a court in electronic form in connection with a specific case or proceeding, including, but not limited to:

(i) Pleadings, petitions, motions, briefs, stipulations, other requests for relief, and their respective attachments, correspondence, and documentary evidentiary exhibits submitted with court filings;

(ii) Orders, judgments, opinions, and decrees;

(iii) Registries of actions, calendars, docket sheets, and other information created or prepared by court clerks that is related to a case or proceeding; and

(iv) Juvenile case records as defined in the Maine Juvenile Code.

(b) “Court record” does not include the following materials, even if they exist in connection with a specific case or proceeding:

(i) Information gathered, maintained, or stored by a governmental agency or other entity to which any employee of the Maine Judicial Branch has access but that is not part of a court record or file or is part of the court record but is prohibited from release by law;

(ii) Notes, memoranda, and drafts thereof, and any other material prepared or collected by a justice, judge, or magistrate, court-appointed referee, or other court staff at the direction of a judicial officer and used for a judicial settlement conference, in recording the judicial officer's notes of a proceeding, or in researching or preparing orders, judgments, opinions, or decrees;

(iii) Internal draft working documents, reports, or data analysis prepared for or by a justice, judge, magistrate, court-appointed referee, other court staff, bail commissioner, or justice of the peace related to court practices, schedules, work assignments, and procedures;

(iv) Legal work product, including drafts, and other records or reports of any attorney, law clerk, intern, or other person employed by or representing the Maine Judicial Branch that are produced in the regular course of business or during representation of the Maine Judicial Branch;

(v) Records of consultative, advisory, or deliberative discussions pertaining to the rendering of decisions or the management of cases;

(vi) Discovery materials served through the EFS unless they have been otherwise filed through the EFS;

(vii) Exhibits and illustrative aids submitted at or in preparation for trial or hearing unless they have been otherwise filed through the EFS;

(viii) Juror information; and

(ix) Any other documents or information not expressly defined as court records, including administrative records or reports maintained by the Maine Judicial Branch.

~~(18)~~ (17) “Courthouse” means any facility in which a State of Maine District Court or Superior Court or the Supreme Judicial Court is housed. “Courthouse” does not include county probate courts.

~~(19)~~ (18) “Electronic case file” means the dataset that includes any document, information, data, or other item created, collected, received, or maintained by the Maine Judicial Branch in connection with a specific case that is readable through the use of an electronic device. The electronic case file does not include anything that is not a court record as defined in these rules.

~~(20)~~ (19) “Electronic document” means the electronic form of pleadings, notices, motions, warrants, orders, exhibits, briefs, judgments, writs of execution, and other records accepted by a court clerk for filing or issued by the court. Electronic documents include documents filed in digitized format or converted to digitized format by a court clerk.

~~(21)~~ (20) “Electronic filing” means and its variants mean the ~~electronic transmission~~ filing of a document ~~in electronic form to the court through the electronic filing system~~ using the EFS. An electronic filing under these rules does not include the submission or transmission of documents to a court through other electronic means such as email, facsimile, or external USB drives.

~~(22)~~ (21) “Electronic filing system” or “EFS” means the system approved by the Maine Judicial Branch for the filing and service of electronic documents.

~~(23)~~ (22) “Electronic service” means and its variants mean the electronic transmission using the EFS of a document or information to a party who is a required user pursuant to Rule 33(B), an elective user pursuant to Rule 33(E), or a party’s attorney. ~~Under these rules, electronic service does not include service of process or a summons or warrant to gain jurisdiction over persons or property.~~

~~(24)~~ **(23)** “Electronic notification message” means an automatic electronic message generated by the CMS and sent to all attorneys or parties in a specific case to denote the receipt of a filing.

~~(25)~~ **(24)** “Family matters” means cases or proceedings, including post-judgment proceedings, for the following:

- (a)** Divorce;
- (b)** Annulment or judicial separation;
- (c)** Parental rights and responsibilities, including the establishment or enforcement of a child support obligation and petitions to terminate parental rights and responsibilities filed under 19-A M.R.S. § 1658;
- (d)** Paternity or any type of parentage, including actions to enforce or obtain remedies for noncompliance with a gestational carrier agreement;
- (e)** Grandparent or great-grandparent visitation; and
- (f)** Adoption, guardianship, name change, or emancipation of a minor.

(25) “Filer” means a person registered with the electronic filing system using the EFS to submit documents for filing with the court or for service on other parties through the EFS. The filer may be an attorney representing a party in the case, a party, or anyone authorized to submit documents for filing on their behalf. The filer may also be another person or entity authorized by the court or required by law to submit reports, evaluations, or other communications.

(26) “Inspection” means only visual ~~inspection~~ review of court records ~~without~~ and does not include photocopying, photographing, or otherwise reproducing those records.

(27) “Juror information” means the following for all jurors and prospective jurors:

- (a)** Names;

(b) Telephone numbers, addresses, including email or other electronic addresses, and other contact information;

(c) Social Security numbers;

(d) Dates of birth;

(e) Source lists;

(f) Seating charts;

(g) Qualification questionnaires;

(h) Information obtained by special screening questionnaires or in *voir dire* proceedings that personally identifies jurors; and

(i) All other personally identifying information of a juror or information from which a juror's identity could be learned.

(28) "Nonpublic" means access by the public is restricted or prohibited by law.

(29) "Personally identifying information" means information that can be used to distinguish, detect, discover, or trace an individual, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, or as otherwise defined by law.

(30) "Protection order case" means any protection from abuse ~~case~~ or ~~any~~ protection from harassment case.

(31) "Public"

(a) ~~"Public"~~ Except as provided in subdivision (b), "public" means the following:

(i) Any person, business, media organization, or entity; and

(ii) A government agency or commission for which there is no existing federal or state law, court rule, or court order defining that agency's access to court records.

(b) "Public" does not mean the following:

(i) Court staff, ~~employees~~, justices, judges, and magistrates;

(ii) The parties to a specific case or proceeding, their attorneys and their attorneys' authorized agents, and persons identified by ~~the court~~ law as having access to the court record in that case or proceeding;

(iii) Private or governmental persons, vendors, or entities that assist the Maine Judicial Branch in performing its functions and are subject to court restrictions on the use and dissemination of information from court records, including bail commissioners, justices of the peace, interpreters, ~~and court-appointed referees, and Court Alternative Dispute Resolution Service (CADRES) and Foreclosure Diversion Program (FDP)~~ mediators;

(iv) Persons or governmental entities whose access to court records is governed by law, or by a policy set by the State Court Administrator;

(v) Persons who are authorized by law to access court records;

(vi) An alleged victim in a criminal or juvenile proceeding;

(vii) The parent, guardian, or legal custodian of an alleged victim in a criminal or juvenile proceeding when the alleged victim is a minor;

(viii) An immediate family member, parent, guardian, legal custodian, or a licensed investigator acting on behalf of an alleged victim in a criminal or juvenile proceeding when

the alleged victim cannot act on his or her own behalf due to death, age, physical or mental disease, or disability; and

(ix) An attorney representing the alleged victim in a criminal or juvenile proceeding.

(32) “Public access computer” means a facility within a courthouse to access the Maine Judicial Branch’s closed-loop system.

(33) “Registry of actions,” formerly identified as “docket entries,” means the list of case information maintained by the court clerk that contains the case caption; docket number; a chronological entry identifying the date and title of each complaint, motion, order, judgment, notice, action, or other document filed in a case; and the dates of events in the case.

~~**(34)** “Registered user” means an individual or entity with an assigned username and password authorized by the Maine Judicial Branch to access and utilize the EFS.~~

~~**(35)** “Seal or impound” means to restrict public access to a court record by court order. When a juvenile case record is sealed pursuant to Rule 6(G)(1), the juvenile may respond to inquiries other than from a court or criminal justice agency about the sealed juvenile case records as if the juvenile crimes had never occurred, without being subject to any sanctions.~~

~~**(36)**~~ **(34)** “Self-represented Unrepresented litigant” means a person or entity, other than an attorney, who is not represented by an attorney in a court proceeding.

~~**(37)** “User agreement” means an agreement that establishes the obligations and responsibilities of the registered user for use of the EFS.~~

Advisory Note – January 2026

Rule 2 is amended to enhance clarity in definitions. Among these changes are the following:

Rule 2(A)(3) is amended to broaden the definition of courthouse-only access to include any access provided at or through the clerk's office. This means that courthouse access includes requests of court records provided in response to requests to a clerk by mail, telephone, or in person in addition to access via a public access computer to the extent allowed by law.

Rule 2(A)(14) is amended to clarify that the meaning of "court" includes specialty dockets like the Business and Consumer Docket and the Unified Criminal Docket. Specific listing of judicial officers is removed in recognition of common parlance inclusion of judicial officers in referring to the court.

Rule 2(A)(15) is amended to include staff of the Service Center/Violations Bureau in the definition of "Court Clerk."

Rule 2(A)(16)(a)(i) defines "court record" for purposes of M.R.E.C.S., which must be distinguished from "the record" as defined in the M.R. Evid. 101(c)(4) or the record for purposes of appeal, pursuant to Rule 5 of the Maine Rules of Appellate Procedure.

Rule 2(A)(21) defines "electronic filing system." This system includes all Maine eCourts filing platforms such as Guide and File, Defendant Access, eCitation, or any other electronic filing platform approved by the State Court Administrator.

Rule 2(A)(22) is amended to remove the list of what electronic service is not. Rule 36 explicitly provides that summonses, applications for warrants, warrants, complaints, indictments, informations, and other case initiating documents are not served using the EFS.

Rule 2(A)(25) is amended to add a definition of "filer," and to remove definitions of "registered user" and "user agreement" because other rules are amended for consistency in terminology.

Rule 2(A)(34) is intended to make clear that an attorney who is also a party to an action does not avoid the requirements of an attorney using the EFS simply by being unrepresented.

3. Rule 3 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 3. GENERAL ACCESS POLICY

(A) ~~Electronic court~~ Court records are accessible by the public except as provided by law, including these rules, or by court order.

(B) Parties and their attorneys may access all court records in their ~~cases~~ electronic case files remotely and at the courthouse except as provided by law or court order. Alleged victims in any criminal or juvenile cases may access court records as provided by law only at a courthouse.

~~(C)~~ State entities may access court records in electronic case files remotely as allowed by the Maine Supreme Judicial Court.

~~(C) (D)~~ Any file, document, information, or data received or maintained by the court before the implementation of electronic filing ~~that become court records through scanning or other digitization are accessible as follows:~~ is accessible by the public in paper at the courthouse unless otherwise prohibited by law or court order. Any file, document, information, or data received or maintained by the court before the implementation of electronic filing that becomes a court record through scanning or other digitization is accessible remotely or at a courthouse by the parties and their attorneys unless access is otherwise prohibited by law or court order.

~~(1)~~ Accessible remotely or at the courthouse by the parties and their attorneys; and

~~(2)~~ Accessible by the public as allowed by these rules only after the court records have been redacted by the court clerk in accordance with these rules:

~~(a)~~ on the court's own initiative, or

~~(b)~~ upon request.

~~(D) (E)~~ Timing of access to court records accessible under these rules is determined by date of acceptance as defined in Rule (2)(A)(1). Court records become accessible upon acceptance unless otherwise provided in these rules.

~~(E)~~ **(F)** Whenever the accessibility of a court record changes under these rules, or by court order, the court clerk will either remove or grant electronic access within a reasonable time.

Advisory Note – January 2026

Rule 3 is revised to specify that court records received or maintained by a court before the implementation of electronic filing will be accessible to the public—to the extent permitted by law—at the courthouse and in paper, as has historically been the practice. When these court records are scanned and added to the case management system, these court records will be accessible to parties as part of their remote access, unless prohibited by law.

These scanned court records are not accessible by the public remotely until a court has had an opportunity to determine whether public access is the appropriate security level. The court will review the records and make that determination pursuant to these Rules or applicable law. Unlike new conventional filings into the electronic case file (which may be destroyed after 70 days pursuant to Rule 32(D)), they must remain accessible in paper at the courthouse to provide public access.

4. Rule 4 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 4. CIVIL CASES

(A) Date of Accessibility.

(1) Unless prohibited by law or by court order, a court record in a civil case is remotely accessible by the public ~~upon entry into the electronic case file.~~

(2) When an *ex parte* motion is filed contemporaneously with a complaint, no court records will be accessible until after the court has reviewed and acted on the motion. After the court has acted on the motion, unless the court orders otherwise, all court records in the case that would otherwise be accessible will be accessible by the public.

(3) When an *ex parte* motion is filed after the filing of the complaint, the motions and any attachments will not be accessible until

after the court has reviewed and acted on the motion. After the court has acted on the motion, the court records related to the *ex parte* motion will be accessible as follows:

(a) If the motion is granted, the court records related to the motion will be accessible as provided by the order granting the motion.

(b) If the motion is denied, unless otherwise prohibited by any law or court order, the court records related to the motion will be accessible by the public, by any other party to the case, or by attorneys of record, when the court denies the motion.

(B) ~~Civil Court Records Not Accessible by the Public. Nonpublic Cases.~~ Court records related to No court records are accessible by the public in the following proceedings are nonpublic:

(1) Mental health civil commitment proceedings;

(2) Medical malpractice screening panel proceedings;

(3) Sterilization proceedings;

~~(4) Proceedings for extreme weapon protection orders;~~

~~(5) (4)~~ HIV/AIDS testing proceedings; ~~and~~

~~(6) (5)~~ Minor settlement proceedings;

~~(6) Petitions for special findings and rulings of law for certain at-risk noncitizen children filed pursuant to 22 M.R.S. § 4099-I(2); and~~

~~(7) Any other proceeding that is nonpublic by law.~~

(C) Public Cases. Court records in civil cases not listed in subdivision (B) of this rule are accessible by the public both remotely and at a courthouse except as otherwise provided by law, subdivision (D) of this rule, or court order.

~~(C) (D) Limitations on Accessibility of Civil Court Records in Forcible Entry and Detainer (FED), Small Claims, and Foreclosure Cases~~

Accessible by the Public only at a Courthouse. Limitations on Access to Court Records in Public Cases.

(1) Forcible Entry and Detainer (FED), Small Claims, and Foreclosure Cases Accessible by the Public only at a Courthouse. Before the entry of a judgment, or at any time before or after judgment if the parties agree, court records in forcible entry and detainer (FED), small claims, and foreclosure cases are accessible by the public only at a courthouse. ~~Court records in FED, small claims, and foreclosure cases are accessible by the public remotely only if and after a judgment has been entered against a defendant.~~ In FED, small claims, and foreclosure cases:

(a) The registry of actions is accessible by the public remotely for three years only after a judgment has been entered against a defendant; and

(b) Other court records may be accessible by the public remotely when remote access is approved by the court.

(2) Extreme Risk Protection Matters. Documents in extreme risk protection matters—also known as weapons restriction matters—are accessible by the public only at the courthouse to the extent permitted by statute.

(3) Nonpublic Information.

(a) Social Security Numbers. When filing a document with the court that contains an individual's Social Security number, the filer may include only the last four digits of the Social Security number. If the Social Security number must be provided to the court, the filer must provide it on the Social Security Number Confidential Disclosure Form (CR-CV-FM-PC-200) that is filed as nonpublic.

(b) Financial Account Numbers. Court records must not contain a complete financial account number; only the last four digits of the financial account number may be included. If the complete financial account number must be included in a court record, it must be done in compliance with Rule 38(B)(1).

(c) Information that is Nonpublic by Law. When filing a public document that contains information that is nonpublic by law, the filer must omit or redact the nonpublic information.

(d) Protective Orders. For good cause, the court may by order in a case require redaction or omission of additional information or limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(4) Nonpublic Documents. The following documents are nonpublic, except as provided by law:

(a) Disability accommodation requests;

(b) Images of minors and persons of any age subject to guardianship, conservatorship, or mental health commitment proceedings;

(c) Images depicting nudity or of a sexual nature, including sexual acts, sexual contact, or sexual touching;

(d) Immigration and visa documents and any related work authorizations;

(e) Court records relating to applications for court-appointed counsel and fee waivers, including indigency affidavits and any attachments;

(f) Personal financial documents, including financial statements, tax documents including W-2s, paystubs, bank statements, account statements, and payment histories;

(g) Personal health and medical records, including HIV/AIDS testing information and results, all mental health evaluations and records, forensic evaluations, all reports and notices regarding persons in the custody of the Commissioner of Health and Human Services, substance use evaluations and treatment records, psychological records, and intelligence test documents and results;

(h) School and education records;

(i) Birth certificates and death certificates;

(j) Requests for appointment of a guardian ad litem, orders appointing guardians ad litem, guardian ad litem reports, and guardian ad litem vouchers;

(k) Reports of sexual assault forensic examination kits;

(l) Social Security Number Confidential Disclosure Form;

(m) Files, reports, records, communications, and working papers used or developed in providing child advocacy center services pursuant to 22 M.R.S. § 4019(9);

(n) Recordings of child advocacy center forensic interviews pursuant to 22 M.R.S. § 4019(9-A);

(o) Civil summary sheet;

(p) Party contact information form; and

(q) Any other information or court record to which public access is prohibited by law.

~~(D) Civil Court Records Accessible by the Public Remotely and at a Courthouse.~~ Court records for any civil cases not listed in (B) or (C) are accessible by the public remotely and at any courthouse, except as otherwise provided by law or court order.

~~(E) Nonpublic Data, Documents, and Information.~~ The data, documents, and information listed below, when filed in civil cases, are nonpublic, except as otherwise provided by law or court order.

~~(1) Full names of minors;~~

~~(2) Personally identifying information, including:~~

~~(a) — Residence addresses;~~

~~(b) — Telephone numbers;~~

~~(c) — Personal, business, or school email addresses and other electronic addresses;~~

~~(d) — Financial account numbers or statements, such as those that identify loans, bank accounts, mortgages, investment accounts, credit card numbers, personal identification numbers, or similar numerical identifiers;~~

~~(e) — Driver's license numbers;~~

~~(f) — Other personal identification numbers, such as Social Security and employer identification numbers, passport numbers, and state identification numbers;~~

~~(g) — DNA identifying data or information; and~~

~~(h) — Dates of birth.~~

~~(3) — Disability accommodation requests;~~

~~(4) — Names, addresses, and personally identifying information of parties protected under a protection order, restraining order, or injunction, and of alleged victims of sexual offenses, domestic violence, or stalking;~~

~~(5) — Images of minors and of persons of any age subject to guardianship, conservatorship, or mental health commitment proceedings;~~

~~(6) — Images depicting nudity or of a sexual nature, including sexual acts, sexual contact, or sexual touching;~~

~~(7) — Immigration and visa documents and any related work authorizations;~~

~~(8) — Indigency affidavits and any attachments;~~

~~(9) Exhibits, affidavits, and other materials that are filed that contain otherwise confidential information as set out in these rules;~~

~~(10) Personal financial documents, including financial statements, tax documents including W-2s, paystubs, bank statements, account statements, and payment histories;~~

~~(11) Personal health information and medical records, including HIV/AIDS testing information and results, all mental health evaluations and records, forensic evaluations, substance use evaluations and treatment records, psychological records, and intelligence test documents and results;~~

~~(12) School and education records, including discipline and scholastic achievement information and data;~~

~~(13) Birth certificates and death certificates;~~

~~(14) Trade secrets;~~

~~(15) Requests for appointment of a guardian ad litem, orders appointing guardians ad litem, and guardian ad litem reports;~~

~~(16) Reports of sexual assault kits;~~

~~(17) Juror information, except as allowed in Rule 8; and~~

~~(18) Any other information or court record to which public access is prohibited by law.~~

Advisory Note – January 2026

Rule 4(B) is amended to add as nonpublic cases: petitions for special findings and rulings of law for certain at-risk noncitizen children filed pursuant to 22 M.R.S. § 4099-I(2). Rule 4(B) is also amended to remove extreme weapon protection orders as a nonpublic case type. Access to those records is now governed by Rule 4(D)(2), which states documents in these matters are accessible by the public at the courthouse to the extent permitted by statute. The amendment also clarifies that other proceedings may be nonpublic by law.

Rule 4(D)(1) is amended pursuant to 4 M.R.S. § 9-C to clarify that in FED and small claims cases, and in foreclosure cases, all court records are available only at a courthouse before judgment and after judgment upon agreement of the parties. Absent party agreement to the contrary, after judgment for the plaintiff in FED, small claims, and foreclosure cases, the registry of actions and other court records approved by the court for remote access will be accessible by the public remotely for three years. Rule 4(D)(1) is also amended to remove the references to foreclosure cases as they are not covered by 4 M.R.S. § 9-C.

Rule 4(D)(3) lists the information that is nonpublic in civil cases.

Rule 4(D)(4) lists the documents that are nonpublic in civil cases. Rule 4(D)(4)(g) includes all reports and notices regarding persons in the custody of the Commissioner of Health and Human Services.

5. Rule 5 of the Maine Rules of Electronic Court Systems is repealed and replaced with the following:

RULE 5. CRIMINAL CASES

(A) Criminal Court Records Accessible by the Public.

(1) Accessible by the Public Remotely and at a Courthouse. Court records in criminal cases are accessible by the public both remotely and at a courthouse except as otherwise provided by law, subdivision (A)(2) of this rule, or court order.

(2) Accessible by the Public only at a Courthouse. The following criminal court records are accessible by the public only at a courthouse, except as otherwise provided by law or court order:

(a) Bail bond and conditions of release;

(b) Probation conditions;

(c) Administrative release;

(d) Court records in a multi-charge case in which only some of the charges have been unconditionally pardoned; and

(e) Court records in a multi-charge case in which only some of the charges have been sealed.

(3) Nonpublic Information.

(a) Victim Information. Court documents must not include a victim's address or location, or any information that contains information from which a victim's current address or location could be determined. If the information must be included in a court record, it must be done in compliance with Rule 38(B)(1).

(b) Social Security Numbers. Court documents must not include an individual's Social Security number, only the last four digits of the Social Security number may be included. If the complete Social Security number must be included in a court record, it must be provided on the Social Security Number Confidential Disclosure Form (CR-CV-FM-PC-200) that is filed as nonpublic.

(c) Financial Account Numbers. Court records must not contain a complete financial account number, only the last four digits of the financial account number may be included. If the complete financial account number must be included in a court record, it must be done in compliance with Rule 38(B)(1).

(d) "Confidential criminal history record information," Designated as Confidential Court Information. As defined by 16 M.R.S. § 703(2) "confidential criminal history record information" is public if accessible by the public pursuant to Rule 5(A) or as declared by Public Information and Confidentiality, Me. Admin. Order JB-05-20, pursuant to 16 M.R.S. § 705(1)(B), unless specifically designated as confidential court information by court order.

(e) Information that is Nonpublic by Law. When filing a public document that contains information that is nonpublic by law, the filer must omit or redact the nonpublic information.

(f) Protective Orders. For good cause, the court may by order require redaction or omission of additional information or limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(4) Nonpublic Documents. The following documents are nonpublic, except as provided by law:

(a) Disability accommodation requests;

(b) Images of minors and persons of any age subject to guardianship, conservatorship, or mental health commitment proceedings;

(c) Images depicting nudity or of a sexual nature, including sexual acts, sexual contact, or sexual touching;

(d) Immigration and visa documents and any related work authorizations;

(e) Court records relating to applications for court-appointed counsel and fee waivers, including indigency affidavits and any attachments;

(f) Personal financial documents, including financial statements, tax documents including W-2s, paystubs, bank statements, account statements, and payment histories;

(g) Personal health and medical records, including HIV/AIDS testing information and results, all mental health evaluations and records, forensic evaluations, substance use evaluations and treatment records, psychological records, and intelligence test documents and results;

(h) School and education records;

(i) Birth certificates and death certificates;

(j) Requests for appointment of a guardian ad litem, orders appointing guardians ad litem, guardian ad litem reports, and guardian ad litem vouchers;

(k) Reports of sexual assault forensic examination kits;

(l) Social Security Number Confidential Disclosure Form;

(m) Files, reports, records, communications and working papers used or developed in providing child advocacy center services pursuant to 22 M.R.S. § 4019(9);

(n) Recordings of child advocacy center forensic interviews pursuant to 22 M.R.S. § 4019(9-A);

(o) Court records regarding a charge that has been unconditionally pardoned;

(p) Court records regarding a charge that has been sealed;

(q) All court records in a multi-charge criminal case that has been dismissed because it incorrectly included a juvenile charge;

(r) Arrest warrants and affidavits in criminal cases before they are executed, except for unexecuted warrants for failure to appear or failure to pay fines, fees, or restitution;

(s) Search warrants, affidavits, returns, and inventory in criminal cases before they are executed;

(t) Certificate of prisoner's account;

(u) Victim address or location information pursuant to 17-A M.R.S. § 2108;

(v) Requests for release of confidential records under 22 M.R.S. § 4008(3)(B);

(w) Orders to produce confidential records and orders after review of confidential records under 22 M.R.S. § 4008(3)(B);

(x) In criminal prosecution for an alleged violation of a protection from abuse or harassment order, any identifying or residence information that is confidential under 19-A M.R.S. § 4112 or 5 M.R.S. § 4656;

(y) “Confidential criminal history record information,” as defined by the Maine Criminal History Record Information Act, 16 M.R.S. §§ 701-710, except for information accessible by the public pursuant to Rule 5(A);

(z) Court records in grand jury proceedings, except for indictments;

(aa) Presentence reports, including attachments and evaluation reports; and

(bb) Any other information or court record to which public access is prohibited by law.

Advisory Note – January 2026

Rule 5 is repealed and replaced. Several changes have been incorporated, including the following.

Rule 5(A)(1) is amended to clarify that court records in criminal cases are accessible by the public remotely and at the courthouse, except as otherwise provided by law, subdivision (A)(2) of this rule, or court order.

Rule 5(A)(2) lists the criminal court records that are accessible by the public only at a courthouse.

Rule 5(A)(3) lists information that is nonpublic in criminal court records.

Rule 5(A)(4) lists documents that are nonpublic in criminal court records.

6. Rule 7 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 7. FAMILY MATTERS, CHILD PROTECTION MATTERS, AND PROTECTION ORDER CASES

(A) **No Remote Access.** No court records are accessible by the public remotely.

(B) **Nonpublic Cases.** No court records are accessible by the public in the following proceedings:

(1) Child protection matters;

(2) Adoptions;

(3) Guardianships of minors;

(4) Name changes for minors;

(5) Petitions for court-authorized abortions for minors;

(6) Emancipations of minors; ~~and~~

(7) Assisted reproduction matters, including noncompliance with gestational carrier agreements;

(8) Termination of parental rights and responsibilities pursuant to 19-A M.R.S. § 1658; and

(9) Any other proceeding that is nonpublic by law.

(C) **Court Records in Family Matters, ~~Child Protection Matters,~~ and Protection Order Cases Accessible by the Public only at a Courthouse.** Court records listed below are accessible by the public **only** at a courthouse except as provided by law or subdivisions (B) or (D) of this rule.

(1) Protection from abuse cases;

(2) Protection from harassment cases; and

(3) The following family matters:

(a) Divorce, annulment, or judicial separation;

(b) Parental rights and responsibilities, including the establishment or enforcement of a child support obligation;

(c) Establishment of parentage including complaints for de facto parenthood; and

(d) Grandparent or great-grandparent visitation.

(D) Nonpublic Records. The documents listed below, when filed in family matters and protection order cases, are nonpublic, except as provided by law.

~~(1) Social Security Confidential Disclosure Form;~~

~~(2)~~ (1) Disability accommodation requests;

~~(3)~~ (2) Images of minors and of persons of any age subject to guardianship, conservatorship, or mental health commitment proceedings;

~~(4)~~ (3) Images depicting nudity or of a sexual nature, including sexual acts, sexual contact, or sexual touching;

~~(5)~~ (4) Immigration and visa documents and related work authorizations;

~~(6)~~ (5) Indigency Court records relating to applications for court-appointed counsel and fee waivers, including indigency affidavits and any attachments;

~~(7) Exhibits, affidavits, and other materials that are filed that include otherwise confidential documents as set out in this Rule;~~

~~(8)~~ (6) Personal financial documents, including child support affidavits and worksheets, qualified domestic relations orders, financial statements, tax documents including W-2s, paystubs, bank statements,

account statements, ~~qualified domestic relations order~~, and payment histories;

~~(9)~~ (7) Personal health and medical records, including HIV/AIDS testing documents and results, all mental health evaluations and records, forensic evaluations, substance use evaluations and treatment records, psychological records, and intelligence test documents and results;

~~(10)~~ (8) School and education records, ~~including discipline and scholastic achievement reports~~;

~~(11)~~ (9) Birth certificates and death certificates;

~~(12)~~ Documents containing trade secrets;

~~(13)~~ (10) Requests for appointment of a guardian ad litem, orders appointing guardians ad litem, ~~and~~ guardian ad litem reports, and guardian ad litem vouchers;

~~(14)~~ (11) Reports of sexual assault forensic examination kits;

~~(12)~~ Social Security Number Confidential Disclosure Form;

~~(13)~~ Files, reports, records, communications, and working papers used or developed in providing child advocacy center services pursuant to 22 M.R.S. § 4019(9);

~~(14)~~ Recordings of child advocacy center forensic interviews pursuant to 22 M.R.S. § 4019(9-A);

~~(15)~~ Family and probate matter summary sheet;

~~(16)~~ Party Contact Information form;

~~(15)~~ (17) Affidavit for confidential address or contact information, and any identifying or residence information that is confidential under 19-A M.R.S. § ~~4008~~ 4112, 5 M.R.S. § 4656, or M.R. Civ. P. 102;

~~(16) Family and probate matter summary sheet; and~~

(18) Requests for release of confidential records under 22 M.R.S. § 4008(3)(B);

(19) Orders to produce confidential records and orders after review of confidential records under 22 M.R.S. § 4008(3)(B); and

~~(17)~~ **(20)** Any other court record or document to which public access is prohibited by law.

Advisory Note – January 2026

Rule 7(B) is amended to add another case type to the list of nonpublic cases and to clarify that the list is illustrative and not exhaustive of all proceedings made nonpublic by law.

Rule 7(D) is amended to list nonpublic information in the same order as in the criminal and civil rules of access. *See* M.R.E.C.S. 4 and 5. Rule 7(D) also categorizes personal financial documents as nonpublic documents. It is important to note that child support orders, unlike child support affidavits, are not personal financial documents because they do not include personal financial information of the parties.

Rule 7(D) also adds items to the list of nonpublic documents, including (1) the party contact information form, (2) requests for release of confidential records under 22 M.R.S. § 4008(3)(B), and (3) orders to produce confidential records and orders after review of confidential records under 22 M.R.S. § 4008(3)(B).

7. Rule 8 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 8. JUROR INFORMATION

All juror information regarding trial jurors or prospective trial jurors is nonpublic, except as provided by law.

~~(A) — Trial Juries.~~

~~—— (1) **No Public Access.** All juror information regarding trial jurors or prospective trial jurors is confidential and is not accessible to anyone, except as provided by statute, these Rules, or applicable rules of procedure.~~

~~—— (2) **Limited Access by Party or Attorney During Jury Service.** During the period of service of a jury pool, juror information is accessible only:~~

~~(a) To attorneys of record, their agents, and self-represented litigants for cases for which jurors are being selected from the jury pool;~~

~~(b) For purposes of conducting *voir dire* examination;~~

~~(c) At the courthouse where *voir dire* examination takes place; and~~

~~(d) On the condition that the authorized recipient of the juror information provides a written, signed certification that the recipient will comply with all requirements of 14 M.R.S. § 1254-A(7) to (9), and all applicable rules of procedure now or hereafter promulgated by the Maine Supreme Judicial Court, and will return all juror information, and related materials, to the clerk at the conclusion of the case in the trial court, on penalty of contempt.~~

~~—— (3) **After Jury Service Motion and Affidavit Required.** After expiration of the period of service for all trial jurors in the pool, public access to jurors' names may be requested only by motion to the court with an affidavit stating the basis for the request. The court may grant the motion, subject to appropriate conditions to protect juror privacy, only upon a determination that the disclosure is in the interests of justice. The factors the court may consider in determining if the disclosure is in the interests of justice include, but are not limited to, encouraging candid responses from jurors, the safety and privacy interests of jurors, and the interests of the media and the public in ensuring that trials are conducted ethically and without bias.~~

~~(4) Use of Juror Information. Dissemination and use of juror information is subject to and controlled by 14 M.R.S. §§ 1254-A and 1254-B.~~

~~(B) Grand Juries. Information about grand jurors and prospective grand jurors is accessible only by the court or court clerk.~~

Advisory Note – January 2026

Rule 8 has been amended to remove the details that apply to access to juror information because juror information access is controlled by statute, as well as Electronic Access to Juror Questionnaires, Me. Admin. Order JB-23-03, and the Superior Court Standing Order for Limited Access to Juror Information. Rule 8 now states that access to juror information is governed “by law” because that term includes statutes, rules, and administrative orders pursuant to Rule 2(A)(7).

8. Rule 9 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 9. PROCEDURES FOR ACCESS TO ELECTRONIC COURT RECORDS

(A) Remote Access. Court records that are accessible by the public remotely may be inspected and reproduced at any time as permitted by these rules. Remote access to court records may require ~~a user account~~, registration ~~by the user, and~~ the payment of fees as provided elsewhere in these rules, and any other procedures and payments that are reasonably necessary for administration of the system as determined by the Supreme Judicial Court.

(B) Courthouse Access. All court records accessible by the public may be inspected and reproduced at a courthouse as follows:

(1) Computer access. Members of the public may access a public access computer during regular courthouse business hours, subject to technical difficulties or system maintenance. The court clerk may set reasonable limits on the time and volume of access to the public access computer to protect the court clerk’s office from undue disruption and to promote equitable access. If more than one court user wishes to the use a public access computer, fifteen minutes is a presumptively reasonable time limit for all users. There is no fee to use the public access

computer. A fee may be required for printouts of electronic court records from a public access computer as provided in Rule 14.

(2) Request for assistance from the court clerk. Requests for help searching for and finding court records at a courthouse will be made at the court clerk's office. Such requests will be handled administratively and will not require a court order. The court clerk may ask the requesting person to complete a written request for the court record. If a request does not provide information sufficient to identify the record sought, the court clerk may decline to provide the requested assistance. The court clerk may set reasonable limits on the time spent helping the public with court records requests to protect the court clerk's office from undue disruption. Fifteen court records per day is a presumptively reasonable limit.

(C) Access to Exhibits Submitted with Court Filings. Exhibits submitted with court filings that are accessible by the public under these rules and are included in the definition of court records under Rule 2(A)(17) may be reproduced, subject to payment of fees and charges as provided in Rule 14. The rules do not address electronic access to trial and hearing exhibits because under Rule 34(C) trial and hearing exhibits are not part of the electronic case file even if filed electronically with the court.

(D) Available Formats for Reproduction.

(1) Printout. Court records that are accessible by the public under these rules may be printed subject to the payment of fees and charges as provided in Rule 14.

(2) Audio or audiovisual recordings of public court proceedings. Audio or audiovisual recordings of public court proceedings that are received or maintained by the Maine Judicial Branch in electronic format in connection with a particular case or proceeding are accessible by the public only by court order, except as provided by law. A fee may be charged for access to or reproduction of audio or audiovisual recordings as provided in Rule 14.

(3) Transcripts of public court proceedings. Transcripts of public court proceedings that are received or maintained by the Maine Judicial Branch in electronic format in connection with a particular case

or proceeding are accessible by the public. A fee may be charged for access to transcripts, as provided in Rule 14.

(E) Requester's Self-Service Duplication of a Court Record Not Permitted. Use of a smart phone or other electronic imaging device ~~or any other means~~ to duplicate or store copies of electronic court records is ~~not~~ permitted, unless "inspection only" is the access level allowed. If "inspection only" is the only access allowed, no duplication of court records is permitted.

Advisory Note – January 2026

Rule 9(E) is amended to allow the use of a smart phone or other electronic imaging device to duplicate electronic court records, except for documents that are accessible to the public only for inspection.

9. Rule 10 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 10. ~~SEALING OR IMPOUNDING PUBLIC~~ LIMITING ACCESS TO CASES OR COURT RECORDS

~~Cases or court records sealed or impounded under this rule are not accessible by the public.~~

(A) Procedure for ~~Sealing or Impounding~~ Limiting Access.

(1) The procedure for post-adjudication sealing ~~or impounding of~~ juvenile case records ~~is controlled by Rule 6(G) under 15 M.R.S. § 3308-C(10)~~ is set out in Rule 6(D)(1).

(2) The procedure for ~~sealing all~~ limiting access to cases or court records, or portions thereof, or other sealing or impounding of court records, pursuant to statutes, rules, or orders, is by motion other than post-adjudication juvenile case records is as follows:

~~(a) — Any party or any person or entity that has standing to do so may file a motion to seal or impound a case that would otherwise be accessible to the public. Such a motion must be accompanied by an affidavit stating the basis upon which the movant has standing, and the reason for the request to seal or~~

~~impound, including a statement describing the harm that is alleged will occur should the motion be denied. The motion and all attachments shall be labeled “NONPUBLIC” when filed.~~

~~(b) Any party or any person or entity that has standing to do so may file a motion to seal or impound a court record that is already accessible by the public, or would be accessible by the public if filed. Such a motion must be accompanied by an affidavit stating the basis upon which the movant has standing, and the reason for the request to seal or impound, including a statement describing the harm that is alleged will occur should the motion be denied. The motion and all attachments shall be labeled “NONPUBLIC” when filed.~~

(a) Limiting Access to Cases and Court Records Accessible by the Public. The motion must be accompanied by an affidavit stating the basis upon which the movant has standing, and the reason for the request to limit access, including a statement describing the harm that is alleged will occur should the motion be denied. The motion and all attachments must be marked “NONPUBLIC” when filed.

(b) Limiting Party Access to Nonpublic Court Records. A motion pursuant to this section must state that the request is to limit party access. The motion must be accompanied by an affidavit stating the basis upon which the movant has standing, and the reason for the request to limit access, including a statement describing the harm that is alleged will occur should the motion be denied. The motion and all attachments must be marked “NONPUBLIC” when filed.

(c) The person filing the motion must serve the motion to ~~seal or impound~~ limit access on all parties unless the motion is filed *ex parte*.

(d) Upon acceptance by the court clerk of a motion to ~~seal or impound, neither~~ limit access, the motion ~~nor~~ and any related documents will not be accessible by the public, pending the court’s ruling on the motion. The court clerk shall not docket the filing of

the motion on the registry of actions until the court has ruled on the motion.

(e) Upon acceptance by the court clerk of an *ex parte* motion to ~~seal or impound, neither~~ limit access, the motion ~~nor and~~ any related documents or related entries on the registry of actions will not be accessible by the public or by any other party, pending the court's ruling on the motion.

(f) The court may ~~seal or impound~~ limit access to a case or a court record ~~from public access~~ if it finds that a reasonable expectation of privacy substantially outweighs the public interest in public access, or the party's interest in access, to the case or court record. In weighing a reasonable expectation of privacy against the public ~~interest and party interests~~ in access to the case or court record, the court will consider the following factors:

(i) ~~An individual's personal~~ A person's safety, health, or well-being,

(ii) ~~An individual's~~ A person's substantial personal, business, or reputational interest, and

(iii) The public's ~~interest and party's interests~~ in access to information in the court record.

(g) If the court grants a motion to ~~seal or impound~~ limit access to a case, ~~no access to all~~ existing court records in that case ~~or and~~ any court records subsequently filed are ~~accessible by the public~~ subject to that limitation.

(B) Handling of ~~Sealed or Impounded Cases and~~ Court Records to which there is Limited Access. ~~It is the responsibility of the filing party to ensure that sealed or impounded court records are submitted to the court in accordance with Rule 12. A person submitting documents subject to an order under this rule must comply with Rule 12.~~

Advisory Note – January 2026

Rule 10 is amended to clarify that the concept of this rule is limiting access and clarifying to whom access is limited. Throughout statutes, rules, and other regulations, “sealed,” “impounded,” “confidential,” and other similar terms are not used in a consistent manner, and this amendment aims to allay confusion.

10. Rule 11 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 11. ~~OBTAINING GAINING~~ ACCESS TO ~~SEALED OR IMPOUNDED~~ CASES OR COURT RECORDS ~~AND TO CERTAIN THAT ARE~~ NONPUBLIC CASES OR COURT RECORDS OR TO WHICH THERE IS LIMITED ACCESS

(A) Scope. This rule applies to motions for access to

(1) ~~Sealed or impounded cases~~ Cases or court records to which access has been limited by the court under Rule 10; ~~or and~~

(2) Cases or court records made nonpublic by law where that law authorizes the court to allow access in specific circumstances.

(B) How Access is Requested. ~~Any A~~ person seeking access to ~~sealed or impounded or nonpublic~~ cases or court records that are nonpublic or to which access has been limited under Rule 10 may file a motion for access in accordance with applicable court rules of procedure. ~~A nonparty who files a motion for access will be considered a party in interest for the limited purposes of the motion brought under this rule.~~

(C) Procedure for Service when Addresses are ~~Confidential~~ Nonpublic.

~~(1)—In criminal cases, when the defendant is required to serve a motion for access on an alleged victim of a crime or a witness who testified at trial, service shall be on the office responsible for prosecuting the case, which shall send or forward the notice or motion to the alleged victim or witness;~~

(1) In a criminal case, when a motion for access is filed, the movant must serve the attorney for the State and the defendant. The attorney for the State must make a good faith effort to forward the motion and any related scheduling notice to the alleged victim of a crime or a named witness.

(2) Except as set forth in subdivision (C)(1), when serving a motion for access on a party or affected nonparty whose name or address is confidential, in a court record to which the movant does not have access, the movant must state prominently in the caption of the motion for access, “~~Confidential Party: Court Service Requested; Nonpublic Name or Address.~~” or “~~Confidential Affected Nonparty: Court Service Requested.~~” The court clerk will provide a copy of the motion to the party or affected nonparty by any method permitted in the rules of procedure, in a way that does not reveal the confidential information.

(3) The court may waive this service requirement on motion or at any time on its own initiative if it finds that good faith efforts to locate the person to be served are not likely to be successful or could endanger that person’s health, safety, or well-being.

(D) Opportunity to be Heard. The movant, the parties, and the affected persons will have an opportunity to be heard. The court will consider written submissions and, in its discretion, may hold a hearing.

(E) Standard to Obtain Access.

(1) ~~Previously sealed or impounded cases or court records.~~ Cases or Court Records to which Access has been Limited under Rule 10. A motion for access to ~~previously sealed or impounded~~ cases or court records to which access has been limited under Rule 10 may be granted only if the court finds that the previous court order ~~impounding or sealing limiting access to~~ the case or court record must be amended because new information about the need for public access to the case or court record convinces the court that the need for public access now substantially outweighs a party’s reasonable expectation of privacy.

(2) Cases or Court Records that are Nonpublic Records by Law. A motion for access to nonpublic cases or court records will be considered only if the motion includes explicit legal authority for public

or limited nonparty access to those cases or court records. If there is no explicit standard for review, then access will be granted only upon a showing of extraordinary circumstances that require the cases or court records to be made ~~available~~ accessible.

(F) Extent of Access if Motion Granted. If the court allows access, it may impose reasonable conditions to protect the privacy interests at issue. Cases or court records made accessible to a specific movant are not accessible by the public until the court orders otherwise.

~~**(G) Access in Motions Practice.** A motion to allow access, the response to such a motion, and the order ruling on such a motion must be written in a manner that does not disclose information from sealed or impounded cases or court records. Motions and responses are sealed or impounded until the court orders otherwise.~~

(G) Access to Pending Motions and Responses. Motions and responses are not accessible by the public until the court orders otherwise. The motion and any related documents will not be accessible by the public, pending the court's ruling on the motion for access.

(H) Appeal. ~~A party, party in interest, or affected nonparty may~~ An appeal from a court order regarding access to a case or a court record under these rules may be filed in accordance with the Maine Rules of Appellate Procedure.

(I) Effective Date. The effective date of any order in a proceeding under this rule granting access will be suspended for a period of three days following entry of the order and the case or the court record at issue will remain nonpublic during this three-day period.

If ~~any party to the proceeding files~~ an appeal ~~from the order~~ is filed in compliance with the applicable rules of appellate procedure before the end of the three-day period, the cases or court records at issue will not be accessible by the public or the ~~party~~ movant during the pendency of the appeal.

Advisory Note – January 2026

Rule 11 is amended to clarify that the concept of this rule is to provide limited access, clarifying how and to whom access is limited. Throughout

statutes, rules, and other regulations, “sealed,” “impounded,” “confidential,” and other similar terms are not used in a consistent manner, and this amendment aims to allay confusion.

Subdivisions (H) and (I) of this rule are amended to ensure that requirements about appeal are governed by the Maine Rules of Appellate Procedure.

11. Rule 12 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 12. IDENTIFICATION AND HANDLING OF ~~SEALED, IMPOUNDED, OR NONPUBLIC~~ CASES, COURT RECORDS , DATA, DOCUMENTS, AND INFORMATION THAT ARE NONPUBLIC OR TO WHICH ACCESS HAS BEEN LIMITED

~~It is the responsibility of the filing party to~~ The filer must ensure that ~~sealed, impounded, or nonpublic~~ cases, court records, data, documents, and information that are nonpublic or to which access has been limited are redacted before submission, or are otherwise submitted to the court in accordance with these rules.

(A) For all cases ~~or court records designated as sealed, impounded, or that are~~ nonpublic, or to which access is limited, every filing must be clearly and conspicuously marked, “NONPUBLIC.” whether filed conventionally or submitted as nonpublic through the EFS.

(B) When a document or other filing that is nonpublic or ~~that to which access~~ has been ~~sealed or impounded~~ limited is submitted to the court in a public case, that document or filing must be clearly and conspicuously marked, “NONPUBLIC.” whether filed conventionally or submitted as nonpublic through the EFS. This is required whether or not an applicable court form exists and is used by the filer.

~~**(C)** No records, documents, or information designated as sealed, impounded, or nonpublic will be submitted to the court as part of a public document.~~

(C) A filer must not submit data, documents, or information that are nonpublic, or to which access has been limited as part of a public document.

~~(D)~~ If a submitted document does not comply with the requirements of these rules, the court may reject the submission.

~~(D) (E)~~ If a filed document does not comply with the requirements of these rules, a the court may, upon motion or its own initiative, order: ~~the filed document returned, and that document may be deemed not to have been filed. A court may impose sanctions on any party or person filing a noncompliant document.~~

(1) Redaction by the filer;

(2) A change in the security setting of the document; or

(3) That the document be stricken and be deemed not to have been filed.

A court may impose sanctions for violation of this rule.

Advisory Note – January 2026

Rule 12(D) relates to rejection of a submission. The review of a submission by the court or its clerk is a purely ministerial act (see Rule 35(D) of these rules).

Rule 12 is amended to clarify the concept of this rule is limiting access and clarifying to whom access is limited. Throughout statutes, rules, and other regulations, “sealed,” “impounded,” “confidential,” and other similar terms are not used in a consistent manner, and this amendment aims to allay confusion.

12. Rule 13 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 13. COMPILED, AGGREGATE, AND BULK DATA

Except in extraordinary circumstances, compiled, aggregate, and bulk data are not court records accessible by the public. Requests for compiled, aggregate, and bulk data may be submitted to the State Court Administrator or designee. In deciding whether to grant the request, the State Court Administrator or designee will consider staffing resources, technical barriers, and any applicable administrative order. ~~No access to compiled, aggregate, or~~

~~bulk data will be considered until all regions have been fully converted to the EFS.~~

Advisory Note – January 2026

The last sentence of Rule 13 has been omitted as no longer applicable.

13. Rule 14 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 14. ACCESS FEES

The court may charge reasonable fees for providing access to court records pursuant to these rules. For persons other than parties or their attorneys, a fee may be required for inspecting or copying any court records. A fee schedule will be published and publicly posted.

For other than a case-initiating document, a party without sufficient funds to pay a required fee for access may seek a waiver by submitting an Application to Proceed Without Payment of Fees. If the court finds that the request for access is reasonable and the person making the request is without sufficient funds to pay for access to the court records, the court shall order the fee be waived. ~~A fee schedule will be published and publicly posted.~~

Advisory Note – January 2026

Rule 14 is rearranged slightly and amended to add a sentence regarding the submission of an Application to Proceed Without Payment of Fees.

14. Rule 15 of the Maine Rules of Electronic Court Systems is repealed.

15. Rule 31 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 31. GENERAL CONDITIONS FOR FILING AND SERVICE

(A) Purpose and Applicability. These rules establish procedures governing the electronic and conventional filing and service of all documents and pleadings to and from all the courts using the EFS within the Maine Judicial Branch. Upon implementation of electronic filing in each of the courts,

electronic filing of all documents shall be mandatory in accordance with Rule 33 of these rules. These rules shall be construed liberally to promote the administration of justice.

(B) Conditions of Electronic Filing. To have access to the EFS, each ~~filing party~~ filer agrees to, and must:

- (1) Register for access to the EFS;
 - (2) Comply with the registration conditions when using the EFS;
- and
- (3) Maintain one or more working email addresses at which the filer agrees to accept email notification and service from the EFS.

(C) Forms. ~~Forms developed by the Maine Judicial Branch are the official court forms and, if an applicable court form exists, it must be used whether filed electronically or conventionally.~~

(1) If an applicable court-approved form exists and is available to the public, the parties must use it when the Maine Judicial Branch indicates on the court form that use of that form is required. If a filer does not use a form that is designated as required, the filer must include a brief explanation in a cover letter accompanying the submission that indicates why the existing form is not suitable.

(2) For all court-approved forms that are not designated as required, the parties may use the court form or draft their own document incorporating all the information requested on the court form.

(3) Court forms can be obtained from the clerk's office, or on the Maine Judicial Branch website. There is a charge for some forms that must be obtained from the clerk's office.

Advisory Note – January 2026

Rule 31(C) is amended to require use of a court-approved form only when the court form is available to the public and has been designated by the Maine Judicial Branch as required. If a filer does not use a form that is designated as required, Rule 31(C)(1) provides that the filer must include a

brief explanation in a cover letter accompanying the submission that indicates why the existing form is not suitable.

Court forms that are not designated as required will still be available to the public for optional use.

16. Rule 32 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 32. ELECTRONIC CASE FILE

(A) Electronic Case File. The electronic case file is the sole repository of all court records filed in a case for the duration of the case and the applicable retention period under the records retention schedule of the Maine Judicial Branch. ~~Each document filed in a case shall be entered into the electronic case file and, after entry in compliance with these rules, shall be the sole official court record of the filing. Except for documents or material filed under Rule 34(B) that cannot be or are prohibited from being converted into electronic format by the court, each document filed in a case shall be converted and entered into the electronic case file. Documents or materials filed conventionally under Rule 34(B) are not part of the electronic case file but are a part of the case record.~~

(B) Acceptance. Submitted documents become part of the electronic case file only upon acceptance by the court clerk.

(C) Conversion Discrepancies. Any party has 70 days from the date of acceptance or until the final ~~hearing on disposition of the complaint case~~, whichever occurs first, to file a motion to correct any error caused by the conversion process.

(D) Retention of Conventionally Filed Documents After Conversion. The court will retain a conventionally filed document in its original format for 70 days following conversion by the court clerk. After 70 days, the court clerk may destroy the conventionally filed document, unless:

(1) The filer requests the return of the conventionally filed document before the expiration of the 70-day period; or

(2) The filer challenges the accuracy of the converted document before the expiration of the 70 days and retention of the conventionally filed document is necessary to resolve the dispute.

Advisory Note – January 2026

Rule 32 is amended to clarify that documents that may not be converted into electronic form, either because conversion is prohibited or impossible, are not part of the electronic case file, but remain part of the case. The electronic case file is to be distinguished from the case record, which includes both the electronic case file and all other items that are part of the case and outside the electronic case file.

17. Rule 33 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 33. USE OF THE ELECTRONIC FILING SYSTEM

(A) Registration. ~~To use the EFS, a filing party must register as a user and execute a user agreement. Executing a user agreement constitutes consent to receive electronic notice and electronic service of all documents through the EFS, except for service of process, warrants, and summonses, which shall be served in accordance with M.R. Civ. P. 4 and M.R. Crim. P. 4. Any person submitting documents to the court through the EFS must register to use the system.~~

(B) Required Use of the EFS. Except as provided in subdivisions (C) and (D), use of the EFS in all case types is mandatory for ~~required electronic filers. “Required electronic filers” are:~~

(1) Attorneys ~~acting on behalf of a party or themselves in a court case~~ licensed in Maine;

(2) State, county, and municipal filers except for

(a) Maine Law Enforcement, meaning all officers defined in 25 M.R.S. § 2801-A;

(b) Bail Commissioners, as defined in 15 M.R.S. § 1023;
and

(c) Representatives of the Maine Department of Health and Human Services filing Requests for Preliminary Protection Orders pursuant to 22 M.R.S. § 4034; and

(3) Guardians ad litem;

(4) Filers seeking involuntary commitment in accordance with 34-B M.R.S. § 3863(5-A)(C);

(5) Unrepresented litigants, upon transfer to the Business and Consumer Docket, unless they obtain a good cause exception; and

~~(3) (6) Self-represented Unrepresented~~ litigants filing ~~or intending to file~~ more than six cases ~~that are filed and are not emergency cases~~ in the current calendar year. ~~For purposes of this subdivision, emergency cases are protection~~ that are not one of the following emergency case types:

(a) Protection from abuse or harassment requests;

(b) Extreme risk protection matters;

(c) Sterilization proceedings;

~~(d) mental health requests, requests~~ Requests for emergency guardianship of a minor; and

~~(e) three-party~~ Three-party child protection petitions.

(C) Exemption to Required Use of the EFS. ~~A self-represented party in an emergency case as defined in Rule 33(B)(3) is not a required electronic filer.~~

(1) An unrepresented litigant in an emergency case as defined in Rule 33(B)(6) is not required to use the EFS.

(2) State Forensic Services is not required to use the EFS.

(3) Any person applying to admit a person to a psychiatric hospital pursuant to 34-B M.R.S. § 3863(1) is not required to use the EFS.

(4) The filer of a responsive pleading in a case that has been initiated by service of the summons and complaint pursuant to M.R. Civ. P. 3(a), and in which the complaint has not yet been filed is not required to use the EFS.

(5) Any filer, including an attorney, that is filing into a case at the Violations Bureau is not required to use the EFS.

(D) Good Cause Exceptions to Required Use of the EFS. ~~A required electronic filer~~ Anyone otherwise required to use the EFS may be excused from mandatory ~~use of the EFS electronic filing~~ only upon motion and a showing of good cause. Good cause means circumstances that would render electronic filing such a hardship that ~~the required electronic filer would be denied~~ access to the court would be denied. For the limited purpose of seeking an exception to mandatory electronic filing and service, ~~a required electronic filer may file a the~~ motion may be filed conventionally. If the court grants a motion for a good cause exception, the court shall establish the scope of the exception. The court may amend or revoke the good cause exception on its own initiative or upon motion of a party.

(E) Elective Use of the EFS.

(1) Elective use of the EFS requires registration in compliance with subdivision (A). Filers who elect to use the EFS must comply with these rules for the duration of the case, unless excused by the court upon a motion and showing of good cause.

(2) When a person is not required to use the EFS under Rule 33(B) and an interface for filing with the EFS is available, the person may elect to use the interface to submit documents electronically into the EFS. Interface users are:

(a) Not required to submit subsequent filings for the duration of the case through the interface;

(b) Not required to serve subsequent filings on the opposing parties through the EFS; and

(c) Not deemed to have consented to service through the EFS and shall be served pursuant to M.R. Civ. P. 5. Use of an

interface alone does not constitute consent to email service under M.R. Civ. P. 5. The interface user must affirmatively consent to service by email in order to be served by email.

(E) (F) Contact Information. A filer party who is not required to use the EFS must provide the court with a mailing address contact information for service of documents; and must notify the court in writing of any change of mailing address contact information. If the filer party has alleged in an affidavit or pleading under oath that the health, safety, or welfare of the filer party or a minor child would be jeopardized by disclosure of the address, then the clerk shall seal the address contact information from the public and all other parties.

~~**(F) Elective Use of the EFS.** Even where use of the EFS is not required, a filer in a case may elect to register and use the EFS in compliance with subdivision (A). After electing to use the EFS, the filer must file, serve, and accept service electronically for the duration of the case, unless excused by the court upon a motion and showing of good cause.~~

(G) Misuse of the EFS. Misuse occurs when any user filer attempts to harm, disrupt, alter, or interfere with the EFS or any records maintained in the system, or attempts to use or access information on the system without proper authorization. Misuse of the EFS ~~might~~ may subject the user filer to criminal prosecution. Misuse may also result in suspension or revocation of an account, loss of ~~a user's registration or~~ ability to use the EFS, and any other penalty ~~that may be~~ imposed by the court. Misuse of the EFS by attorneys may constitute a violation of the Maine Rules of Professional Conduct. Attorneys are responsible for any misuse of the EFS by third parties whom the attorney has authorized or directed to use that attorney's individual or firm EFS account.

Advisory Note – January 2026

Rule 33(B)(1) is amended to clarify that only attorneys licensed in Maine are required to use the EFS. Attorneys licensed in states other than Maine making filings such as foreign subpoenas may file conventionally and not by EFS.

Rule 33(B)(3)-(5) are added to make the following as required electronic filers: guardians ad litem, filers seeking involuntary commitment in accordance

with 34-B M.R.S. § 3863(5-A)(C), and unrepresented litigants, upon transfer to the Business and Consumer Docket, unless they obtain a good cause exception.

Rule 33(B)(6) is amended to add extreme risk protection matters and sterilization proceedings to the list of emergency case types under that subdivision. Rule 33(B)(6) is also amended to remove the intent requirement for filing more than six cases in a calendar year. The litigant must use the EFS upon filing that litigant's seventh case.

Rule 33(C) is amended to add an exemption to required use of the EFS for State Forensic Services; filers of responsive pleadings in cases that were commenced by service pursuant to M.R. Civ. P. 3(a) and in which the complaint has not yet been filed; and filers, including attorneys, seeking to file into a case at the Violations Bureau.

Renumbered Rule 33(E) is amended to exempt a filer who uses an interface compatible with the EFS from required use of the EFS for subsequent filings. An interface is a court-approved interview-based software that helps persons or entities complete court forms and that connects directly with the court EFS. An example of an interface is "Odyssey Guide & File."

Law students eligible to practice in Maine are required to use the EFS. *See* Legal Assistance by Law Students, Me. Admin. Order JB-05-07.

Misuse of the EFS under Rule 33(G) could include adding a service contact who is not a party to the case.

18. Rule 34 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 34. DOCUMENT REQUIREMENTS

(A) Requirements for Documents Filed Electronically

(1) Document Type and Format. A document submitted electronically to the court must be in the form of a file in Portable Document Format (PDF), ~~be~~ directly converted to PDF rather than scanned (if possible), and not ~~exceed 50 megabytes~~ exceeding the maximum size allowed by the EFS. A document that exceeds the size limit must be broken down and submitted as separate files that individually do

not exceed ~~50 megabytes each~~ the maximum size. Separate files under this section must include in the “~~Comments to Court~~ Filing Description” field for each submission a description that clearly identifies the part of the document that the PDF file represents.

(2) Documents Must be Submitted Separately. Except as provided in subdivision (A)(2)(a) of this Rule, a All documents must be submitted individually as separate files with the same submission, unless the submission uses a court-approved form that indicates otherwise. ~~The filer must include in the “Filing Description” field a description that clearly identifies each document.~~ For each separate document submitted, the detailed caption title, ~~filing description in the EFS,~~ and ~~.pdf~~ PDF file title must be substantially identical.

(a) Motions to revoke criminal bail and all attachments filed in criminal and juvenile cases must be submitted as one document.

(3) Consolidated Cases. When a court consolidates two or more cases for purposes of court events, including hearings, but retains separate docket numbers, a ~~party electronically filing~~ filer submitting a document that is applicable to all of those cases must electronically file and serve the document in each case, using appropriate case docket numbers.

(4) Additional Technical Format Requirements. All electronic documents shall be self-contained and must not contain live links to external papers or websites.

(B) Documents or Materials Not Filed in Electronic Format

(1) Materials that are required to be filed with the court and that cannot be converted or scanned into electronic PDF format, such as videotapes, radiographs, and other items that are not intelligible when scanned, may be filed conventionally. The ~~filing party~~ filer shall file a Notice of Conventional Filing that shall be docketed into the EFS to denote that a conventional filing has been made and that the material is being held in the clerk’s office. The ~~filing party~~ filer shall serve the materials conventionally, if required.

(2) Documents or materials that must be filed conventionally include are:

(a) Documents ~~subject to in-camera inspection, including those produced by the Department of Health and Human Services pursuant to 22 M.R.S. § 4008 submitted or filed for purposes of in-camera review by the court;~~

(b) A record or image that is barred from electronic transmission or storage by law, including sexually explicit images of a minor;

(c) ~~Proposed orders~~ Any filing that is not a case-initiating filing and is being filed before the case has been initiated in the CMS;

(d) Any reports, evaluations, and related documents filed by State Forensic Services; and

~~(d)~~ (e) Anything else required to be filed conventionally by law or court order.

(C) Certified Documents. Certified documents may be filed electronically. When filing a certified document electronically, the filer shall comply with Rule 37(H).

~~(C) (D)~~ **Trial and Hearing Exhibits.** Trial and hearing exhibits and illustrative aids that are not filed electronically as attachments to a pleading shall not be part of the electronic case file, but shall be received, held, and retained by the court until all opportunities for appeal have been exhausted and as required by law or court order.

Advisory Note – January 2026

The size limit for document submissions can be found on the Judicial Branch’s EFS website and is currently 54.1 MB.

Rule 34(A)(2) is amended to remove the requirement that each submission include a filing description. It is also amended to create an

exception that indicates that motions to revoke bail and attachments must be submitted as one document to enhance efficiency in filing and court review.

Rule 34(B)(2) is amended to require that filings that are not case-initiating filings and are being filed before the case has been initiated in the CMS must be filed conventionally. Proposed orders are removed from the list of documents that must be filed conventionally because they are sometimes attached to the filing. In certain circumstances, proposed order must be filed pursuant to Order Regarding Proposed Orders by Email, Me. Admin. Order JB-22-01. It is also amended to add that reports, evaluations, and related documents filed by State Forensic Services must be filed conventionally.

19. Rule 35 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 35. TIME OF FILING, SERVICE, AND RESPONSE

(A) Availability of Electronic Filing System. The EFS will receive electronic documents except when the system is unavailable due to scheduled or other maintenance.

(B) File Date. A “day” begins at 12:00:00 a.m. and ends at 11:59:59 p.m. in the time zone where the courthouse is located. For a document that is electronically submitted between 12:00:00 a.m. and 11:59:59 p.m. in the time zone where the courthouse is located on Monday through Friday, the “file date” will be the day it is submitted. If a document is submitted on a Saturday, Sunday, or legal holiday, the file date will be the next business day. For any questions of timeliness, the time and date registered by the EFS will be determinative. For a document electronically submitted, the file date will apply for purposes of meeting the statute of limitations or any other filing deadlines, even if the document is accepted by the clerk on a later date, except as provided in subdivision (D) of this rule. A conventionally filed document is deemed submitted when presented to the court clerk.

(C) Service Date of the Submitted Document. The service date of submitted documents will be the date of submission, if served pursuant to Rule 36 and the documents are accepted as filed.

(D) Reasons for Rejection. When submitting a document to a court, the filer must comply with the following requirements to avoid rejection of the filing by the clerk as incomplete:

(1) All documents must be signed and include all elements required by rule, order, or statute, including the attorney bar number, if applicable, and use of a court form if designated as required;

(2) All service contact information must be included as required by these rules; and

(3) Charging instruments in a criminal or juvenile case shall include the following elements and these elements shall also be entered by the filer in the EFS upon submission:

(a) All counts being charged;

(b) Arrest Tracking Number and Count Tracking Number, if applicable;

(c) Sequence number;

(d) Personally identifying information for the defendant or juvenile, including date of birth, last known address, height, weight, eye color, hair color, race, and if applicable, driver's license/state ID number;

(e) Date and location of offense; and

(f) Arresting or investigating law enforcement agency and officer.

~~(D)~~ (E) Acceptance or Rejection Procedure.

~~(1)~~ The clerk's review of a submission for acceptance or rejection is purely ministerial.

~~(2)~~ (1) Following submission, the court clerk will accept or reject the electronic document.

(a) If the submission is accepted, it is deemed filed and is entered into the electronic case file with the file date as determined under subdivision (B) of this rule. When a submission is accepted, the court will send an acceptance notice to the parties.

(b) If the submission is rejected, the court will send a rejection notice to the ~~submitting party~~ filer and the submission shall not be entered on the registry of actions. The rejection notice shall identify the basis for the rejection.

~~(3)~~ (2) If a submission is rejected, the ~~filing party~~ filer shall serve the notice of rejection on the ~~opposing other~~ parties.

~~(E)~~ (F) Resubmission and Relief.

(1) Requirements of Resubmission. A filer who resubmits a document under this rule must include in the “Comments to Court” field, or, if conventionally filed, in the cover letter accompanying the resubmission, the following:

(a) The words, “Resubmission of filing, original submission unsuccessful”;

(b) The date of the original attempted submission;

(c) The date of the rejection notice; and

(d) A statement confirming that this is the first resubmission.

(2) File Date of Resubmitted Document.

(a) Resubmissions That Relate Back Automatically. If the filer resubmits a corrected version of the rejected document, and it is accepted by the court clerk, the file date of the resubmitted document will automatically relate back to the file date of the original submission if:

(i) ~~it~~ It is the first resubmission, ~~and;~~

(ii) It is substantively the same as the rejected document; and

~~(iii) It~~ is submitted within four business days after the date of the rejection notice. If notice of the rejection is provided by mail, the filer has three additional days, for a total of seven days, to resubmit the filing.

(b) Resubmissions That Relate Back with Leave of Court. If the filer resubmits the rejected document more than once or submits the rejected document more than four business days after the date of the rejection notice, the file date of the resubmitted document will only relate back to the file date of the original submission upon court approval.

(c) Response Time. If the file date relates back to the file date of the original submission, the court will adjust the schedule for responding to these documents by adding four business days to the response time. The court may also postpone a court event or provide other relief.

(3) Service Date of Resubmitted Document. The service date of resubmitted documents will be the original date of service if the resubmission is accepted.

~~(F)~~ **(G) Unavailability of the Electronic Filing System and Relief.**

(1) EFS Unavailable. Any filer may obtain relief if the EFS is not operating through no fault of the filer. Technical problems with the filer's equipment or attempted transmission within the filer's control will not excuse an untimely filing.

(2) Relief. Upon satisfactory proof of the system's temporary unavailability or other technical problem, the file date of the document will relate back to the file date of the first filing attempt. The court, in its discretion, may adjust the schedule for responding to any affected filings, postpone the next court event, or provide other relief. The process for resubmission of the filing shall be in accordance with subdivision (E), and may include, with the resubmission, supporting exhibits showing system unavailability.

Advisory Note – January 2026

In addition to other minor changes, Rule 35(D) is added to list in one place the reasons why a filing will be rejected. It includes certain requirements for charging instruments in criminal and juvenile cases that must be entered by the filer upon submission.

20. Rule 36 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 36. SERVICE OF ELECTRONIC DOCUMENTS

(A) Applicability. By filing or serving documents through the EFS, a person consents to be served and to receive notice through the EFS in that case, unless the person is an interface user as defined by Rule 33(E)(2). The filer must add a service email address in the filer's account. All documents filed in the EFS must be served through the EFS, except the following, which must be served by conventional service in accordance with the Maine Rules of Civil and Criminal Procedure:

(1) Summonses, applications for warrants, warrants, complaints, indictments, informations, and other case initiating documents;

(2) Subpoenas;

(3) Ex parte motions filed with the complaint;

~~(4)~~ Any documents that cannot by law be served electronically;

~~(4) (5)~~ Any documents to be served on those who ~~are not~~ registered users cannot be served using the EFS; and

~~(5) (6)~~ Any documents for which a court order requires conventional service.

(B) Service ~~Contacts~~ Recipients. The filer must provide the name and service email address of the filer ~~and any alternative or additional service contacts~~ to be used by the EFS in the case. ~~Designation of any email recipients as alternative or additional service contacts is deemed to provide consent to have electronic documents filed in the case served on those service contacts.~~

~~The filer is responsible for updating contact information, and may update service contacts through the user agreement. By selecting service recipients for service in the EFS, the filer consents to have electronic documents filed in the case served on those service recipients. The filer must update contact information as needed. Filers must not add as service contacts those who have not authorized the filer to add them.~~

~~(C) **Registered User Consent.** Upon the initiation of a case, filing of responsive pleading, or submission of an entry of appearance in a case, registered users are deemed to have consented to receive electronic service of all documents through the EFS. **Service Through the EFS.** When a document must be served through the EFS, the filer must complete service on any required service recipients at the time of submission.~~

~~(D) **Service Upon Registered Users.** When a filer submits a document to the EFS that must be served electronically, the filer must complete service on any required service contacts at the time of submission.~~

~~(E) (D) **Conventional Service.** A party person who is not a registered user does not use the EFS must be served conventionally. After a party who was not a registered user becomes a registered user, that party must be served electronically.~~

~~(F) (E) **Service of Sealed, Impounded, and Nonpublic Documents to Which Access has been Limited, and Documents Submitted for In Camera Review.** Regardless of method of filing, documents should only be served consistent with the level of access allowed. sealed, impounded, and nonpublic documents, and documents submitted for *in camera* review must not be served on service contacts or conventional service recipients, either through a hyperlink or paper copies.~~

~~If the documents are filed electronically, the EFS will generate a notice to all service contacts in the case. If the documents are filed conventionally, the filer must serve notice that the documents were filed conventionally.~~

~~If the court orders that the documents filed are accessible to the public, the court will provide a hyperlink to or paper copies of the documents to the service contacts and any recipients of conventional service.~~

~~(G)~~ **(F)** **Certificate of Service.** A certificate of service must be filed with the court only when documents are served conventionally, in accordance with the applicable procedural rules.

~~(H)~~ **(G)** **Service of Documents by the Court.** The court may send documents and notice electronically if the court has an email address for the intended recipient.

~~(1)~~ **Service of documents by the court on registered users will be made electronically to all service contacts in a case.**

~~(2)~~ **Service of documents by the court on those who are not registered users, including rejection notices of submissions filed conventionally, will be made by conventional service.**

~~(I)~~ **(H)** **Service of Discovery.** Service of discovery documents through the EFS is permitted but not required. Discovery documents served through the EFS are not court records and are nonpublic.

Advisory Note – January 2026

Rule 36(A) is amended to ensure that electronic filers enter their own service email in the EFS. It is also amended to clarify that this section does not apply to interface users as defined in Rule 33(E)(2). Subdivision (A)(3) adds *ex parte* motions filed with the complaint to the list of documents that must be served conventionally.

Rule 36(C) provides direction for electronic service by selection of service recipients. Service recipients will receive service at the email addresses they have designated in each case.

Rule 36(E) [renumbered] is amended to clarify that when access to a document is limited to exclude another party, or a limitation has been requested, the document may be filed but not served on that party. If access to a document is limited only to exclude public access, it may be served on all parties.

21. 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, motion, or other written request for relief, and that pleading, motion, or other written request for relief is electronically filed, the document shall bear a scanned, facsimile, or a typographical signature and, if the filer is an attorney, the attorney’s bar number. The significance of the signature of a prosecuting attorney is governed and delineated by the Maine Rules of Unified Criminal Procedure.

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

(1) Parties and Attorneys. Any party who is self-represented or an attorney licensed to practice in Maine in a case

who files any document consisting of or containing statements, affirmations, or averments made by that filer that are required to be sworn under oath, acknowledged, attested, or notarized, may satisfy that requirement by filing the document with the 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 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 unrepresented litigant attests that the document and signature are authentic.

(3) *Oath and Signature for Charging Instruments.* In all criminal and juvenile 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 unrepresented litigant attests that the document and signature are authentic.

(G) Certification. By electronically submitting a document using the EFS or presenting a filing to a court clerk that is converted and filed, 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 Submitter. By electronically submitting a converted document, including certified documents, a person certifies that the converted document is an accurate image of the original. A person who converts a paper document with the handwritten signature of anyone other than 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 – January 2026

Subdivision (D) of this rule is amended to include a final sentence regarding the significance of a signature by a prosecuting attorney. Subdivision (E)(3) is amended to clarify that it applies in juvenile proceedings. The term “self-represented” has been changed to “unrepresented” throughout.

22. Rule 38 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 38. NONPUBLIC COURT FILINGS

(A) Burden on Parties the Filer. ~~Parties are responsible for omitting or redacting~~ When filing electronically or conventionally a filer must omit or redact nonpublic information in documents filed ~~into the EFS, whether filed electronically or conventionally with the court.~~ With the exception of *in camera* reviews, the court will not review any document to ensure compliance with this rule and is not responsible or liable for the inclusion of nonpublic information in any filed document.

(B) Documents Containing Nonpublic Information.

(1) Omission or Redaction. When documents containing nonpublic information, as designated in Rules 4(E), 6(E), and 7(D), are necessary for the adjudication of a case, the ~~filing party filer~~ must ensure that omit or redact nonpublic information ~~is appropriately omitted or~~

~~redacted in the filing and that the nonpublic and submit that~~ information ~~is submitted~~ in a separate document ~~along with the filing~~. When a separate document is ~~filed submitted~~ containing nonpublic information, the ~~user filer~~ must include in the “~~Comments to Court Filing Description~~” field the designation “NONPUBLIC” followed by the name of the court filing (e.g. “NONPUBLIC, Motion to Continue”).

(2) Access. A document designated as “NONPUBLIC” in accordance with subdivision (B)(1) of this rule will be accessible only as provided in these Rules.

(3) Review. Upon motion, the court may consider any matter relating to submissions designated as “NONPUBLIC” in the EFS.

(C) Filing ~~Sealed or Impounded or Nonpublic Documents to Which There is Limited Access~~. ~~Sealed or impounded or nonpublic documents Documents to which there is limited access~~ must be filed and handled in compliance with Rule 12. The filer must include in the “~~Comments to Court Filing Description~~” field the designation “NONPUBLIC.” :

(D) Motion to ~~Seal or Impound Limit Access~~. Motions to ~~seal or impound limit access to~~ documents must be made in compliance with Rule 6 or Rule 10.

(E) Criminal Complaints that Incorrectly include Juvenile Charges. If a prosecutor files an adult criminal complaint that contains a charge that should instead be filed in juvenile court, the prosecutor must dismiss the case and file a new adult criminal complaint, without the juvenile charge. Upon dismissal of the original adult criminal complaint, the court shall set the case security of the dismissed case to nonpublic to ensure the juvenile charge is not accessible to the public.

Advisory Note – January 2026

Rule 38(E) is added to provide the filing requirements when a prosecutor files an adult criminal complaint that accidentally includes a charge that should have been filed in juvenile court.

23. Rule 39 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 39. FILING FEES

(A) Filing Fees. A filer who is required to use the EFS and is submitting a filing that requires payment must pay the correct filing fee by any electronic payment method acceptable to the court before the case will be allowed to proceed, subject to the following exceptions:

(1) The filer is exempt by law; or

(2) The fee is waived in accordance with subdivision (B) of this rule; ~~or~~

~~(3) The filer pays the required fee by cash or check to the court clerk within seven days after the date of the electronic submission. If the court clerk receives payment within those seven days, the file date will relate back to the date of the electronic submission.~~

~~(i) If the filing is a case initiating document and the court clerk does not receive the payment of the required fee within seven days, the case shall be dismissed without prejudice.~~

~~(ii) If the filing is other than a case initiating document and the court clerk does not receive the payment of the required fee within seven days, the court clerk shall reject the filing.~~

(B) Waiver of Filing Fees. Upon application to the court in accordance with M.R. Civ. P. 91, a filer may request a waiver of any filing fees contemplated by these rules.

(1) Application granted. If the application for fee waiver is granted, the file date relates back to the date of submission of the filing and application.

(2) Application denied. If the application for fee waiver is denied, the filer will have seven days from the date of denial to pay the fee. If such payment is made, the file date will relate back to the date of submission of the filing and application. ~~If not, the court clerk shall dismiss the case or reject the filing pursuant to subdivision (A) of this rule. If the court clerk does not receive the payment of the required fee~~

within seven days, the filing shall be rejected or the case dismissed without prejudice.

Advisory Note – January 2026

Subdivision (A) of this rule is amended to clarify that the subdivision applies only to those who must use the EFS and only when the filing requires payment of a fee.

Rule 39 (A) is further amended to remove the option to pay by check when using the EFS.

23. Rule 40 of the Maine Rules of Electronic Court Systems is amended to read as follows:

RULE 40. SANCTIONS

(A) Failure to comply with these rules may be grounds for a finding of contempt of court and imposition of sanctions.

(B) As officers of the court, attorneys are required to abide by these rules ~~or~~ and may be subject to professional discipline for any violations.

Advisory Note – January 2026

The language of subdivision (B) is modified to enhance clarity.

Dated: January 27, 2026

FOR THE COURT,*

_____/s/_____
VALERIE STANFILL
Chief Justice

ANDREW M. MEAD
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.