

MAINE RULES OF CIVIL PROCEDURE

I. SCOPE OF RULES - ONE FORM OF ACTION

RULE 1. SCOPE OF RULES

These rules govern the procedure in the District Court, in the Superior Court, and before a single justice of the Supreme Judicial Court in all suits of a civil nature whether cognizable as cases at law or in equity, including appeals from a governmental agency, with the limitations stated in Rule 81. They shall be construed to secure the just, speedy and inexpensive determination of every action.

Advisory Committee's Notes July 1, 2009

The amendment to Rule 1 removes a sentence addressing appeals that existed in the Rule before adoption of the Maine Rules of Appellate Procedure. The Maine Rules of Appellate Procedure now govern procedure in the Supreme Judicial Court sitting as the Law Court in both civil and criminal cases. Continuance of this sentence in the Civil Rules has occasionally created confusion, particularly regarding applicability of M.R. Civ. P. 6(c) that extends prescribed response time limits by three days when service of a document requiring a response is made by mail. A similar provision is not incorporated in the rules governing appeals. Rule 15 of the Maine Rules of Appellate Procedure incorporates Rule 6(a) but not Rule 6(c) of the Maine Rules of Civil Procedure.

Advisory Committee's Notes July 1, 2001

The words to be stricken “and cases appealed or removed from the District Court” are a vestige from the era when the Rules of Civil Procedure only applied to matters in the Superior Court. As the rules now apply to all matters before the District Court, these words are unnecessary and potentially confusing.

Advisory Committee's Note December 31, 1967

Rule 1 is amended to reflect the fact that the District Court has now completely superseded the former municipal courts and trial justices. To be consistent with the broader terminology in Rule 80B as amended, the phrase “governmental agency” is substituted for “administrative agency.”

Reporter's Notes
December 1, 1959

These rules cover all suits of a civil nature in the Superior Court and before a single justice of the Supreme Judicial Court with the limitations stated in Rule 81. They are promulgated under the authority of the rules enabling act (Public Laws of 1957, c. 159 [now 4 M.R.S.A. § 8]), which expressly provides that after they become effective “all laws and rules in conflict therewith shall be of no further force or effect.”

No further legislative action was necessary to make the rules effective, but on the recommendation of the justices of the Supreme Judicial Court and the Rules Advisory Committee the Legislature adopted Public Laws of 1959, c. 317. This legislation repealed the statutes which would be wholly superseded by the rules and amended those which would be superseded in part. The objective was to avoid the confusion and uncertainty which would result from the continued presence in the statutes of provisions no longer of force or effect. Additional changes were made in order to harmonize the statutes with the rules or to forestall possible litigation as to whether a rule believed by the Court to be essential to the modernization of Maine procedure was within the grant of delegated power.

When Public Laws of 1959, c. 317, was enacted, the Legislature had before it a draft of these rules which it was advised by the Court were in substantially final form. There was also presented to the Judiciary Committee of the Legislature a memorandum from the Rules Advisory Committee explaining the proposed statutory changes. The legislation was enacted substantially in the form proposed. The effective date of the statute was made December 1, 1959, to coincide with the announced effective date of these rules.

The rules enabling act also authorized promulgation of rules for civil actions in the Municipal Courts and before trial justices. Procedure in the Municipal Courts is covered by the Municipal Court Civil Rules, promulgated simultaneously with these rules, but it has not been thought necessary to provide by rule for actions before trial justices. R.S.1954, Chap. 110 [§§ 1-21, 23, repealed in 1963],

dealing with trial justices, has been amended, however, to achieve a degree of conformity with the procedure under the rules.

Included herein are certain rules, such as Rule 76A, governing practice in the Law Court in civil actions. They are not based upon the authority of the enabling act, but stem from the inherent rule-making power of the Court. They replace the present Supreme Judicial Court Rules governing such practice.