

**STATE OF MAINE  
SUPREME JUDICIAL COURT**

**MAINE RULES OF ELECTRONIC COURT SYSTEMS**

**PREAMBLE**

These Rules of Electronic Court Systems are intended to facilitate public access to and use of the courts in the electronic environment, while providing maximum reasonable public access to court records and minimizing the risk of harm to individuals and entities involved in court proceedings. In developing these rules, the Maine Judicial Branch has carefully considered and weighed the importance of both public access and protection of privacy in court records in the context of an electronic case management and filing system.

**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)** 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 in 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.

## **Advisory Note – December 2020**

Rule 1 is amended to clarify that the scope of these rules includes conventional filers in a court or region that has implemented EFS.

### **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 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.

**(4)** “Accessible by the public remotely” means that a court record may be inspected or reproduced by any member of the public

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 including, but not limited to, docket numbers, names, personally identifying information, and addresses.

**(6)** "Bulk data" means an electronic collection of data 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)** "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.

**(12)** "Conventional filing" and its variants mean any lawful means of filing documents that does not use the EFS.

**(13)** "Conventional service" and its variants mean service accomplished through any lawful means of serving documents that does not use the EFS.

**(14)** “Court” means the Supreme Judicial Court, the Superior Court, the District Court, and the specialty courts and dockets within those courts.

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

**(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.

**(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.

**(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.

**(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.

**(20)** “Electronic filing” and its variants mean the filing of a document 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.

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

**(22)** “Electronic service” 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.

**(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.

**(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 review of court records 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 or protection from harassment case.

**(31)** "Public"

**(a)** 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, justices, judges, and magistrates;

**(ii)** The parties to a specific case or proceeding, their attorneys and their attorneys' authorized agents, and persons identified by 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, 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)** “Unrepresented litigant” means a person or entity, other than an attorney, who is not represented by an attorney in a court proceeding.

### **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.

### **Advisory Note – March 2021**

Rule 2(A)(1) is amended to explain that the term used to signify the process that occurs when a document submitted to a court becomes part of the court’s electronic case management system—“acceptance”—is a process involving only a review for compliance with filing requirements. Before entering a document into the system, a court clerk must ensure that the document is in proper electronic format, that it has been signed, that it is accompanied by any legally required elements, including but not limited to a filing fee, appeal fee, registry recording fee, or summary sheet, and that, if the document is filed by an attorney, the document lists the attorney’s Maine Bar Registration Number. If the document does not comply with those requirements, it shall not be entered into the electronic filing system. See Rules 34 and 39, and M.R. Civ. P. 5(f). As indicated in Rule 35(D)(1), the clerk’s review for entry or rejection is purely ministerial.

### **Advisory Note – December 2020**

Rule 2(A)(14) of the Maine Rules of Electronic Court Systems is amended to clarify that the definition of conventional service includes service by email.

Rule 2(A)(17)(b)(vii) is amended to exclude from the definition of “court record” exhibits submitted at or in preparation for trial or hearing but not those *filed* in preparation for trial or hearing.

## **PART ONE: RULES OF ELECTRONIC COURT RECORDS ACCESS**

### **RULE 3. GENERAL ACCESS POLICY**

**(A)** 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 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.

**(D)** Any file, document, information, or data received or maintained by the court before the implementation of electronic filing 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.

**(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.

**(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.

#### **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.

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

- (1) Mental health civil commitment proceedings;
- (2) Medical malpractice screening panel proceedings;
- (3) Sterilization proceedings;
- (4) HIV/AIDS testing proceedings;
- (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.

**(D) 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. 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.

### **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.

### **Advisory Note – March 2021**

Rule 4(A)(1) is amended to omit the language providing that “[n]o court record will be accessible by the public until three business days after the court clerk has accepted the submissions of both the case initiating documents and proof of service of process of those documents on at least one defendant,” with “[t]he date of acceptance [to] be determined by application of these rules.” The rule now provides that a court record in a civil case is accessible to the public upon entry into the electronic case file unless prohibited by law or by court order.

Rules 4(A)(2) and (3) are amended to omit language providing for public access to court records related to *ex parte* motions three days after acceptance by the court clerk of proof of service of the motion, case initiating documents, and any applicable writ or court order issued as a result of the motion.

Rule 12 provides that it is the responsibility of the filing party to ensure that sealed, impounded, or nonpublic cases, court records, data, documents, and information are redacted before submission, or otherwise submitted to the court in accordance with these rules.

### **Advisory Note – December 2020**

Rule 4(A)(1) is amended to clarify that the clerk’s acceptance of both the court record and proof of service are required before the record will become accessible.

Rule 4(A)(2) and (3) are amended to clarify that accessibility of *ex parte* motions, related materials, and orders is dependent on whether the entity seeking access is a party or a member of the public.

## **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.

## **RULE 6. JUVENILE CASES**

### **(A) Juvenile Case Records That the Public May Inspect.**

**(1)** Unless access is limited or sealed pursuant to 15 M.R.S. § 3308-C(10) or Juvenile Court proceedings are suspended pursuant to 15 M.R.S. § 3318-A(5), the public may inspect the following juvenile case records:

**(a)** Juvenile petitions that are open to public inspection pursuant to 15 M.R.S. § 3308-C(2);

**(b)** Orders of adjudication as defined under 15 M.R.S. § 3003(19-C) that are open to public inspection pursuant to 15 M.R.S. § 3308-C(3); and

**(c)** Competency orders that are open to public inspection pursuant to 15 M.R.S. § 3318-C(2)(C).

**(2)** Names and identifying information of any victims, including alleged victims, shall be redacted by the prosecuting attorney when filing a juvenile petition, and by the court when issuing an order of adjudication or competency order that is accessible by the public.

**(3)** When a juvenile petition, order of adjudication, or competency order is open to public inspection under the applicable law, it will be made available for inspection only once printed by the court clerk at a courthouse and must be returned to the court clerk after the document is inspected.

**(4)** There is no public access to any other juvenile case records, except as allowed under subdivisions (B) and (C) of this rule.

**(B) Juvenile Case Records that Alleged Victims May Inspect.**

**(1) Access for Alleged Victims.** Juvenile case records that are open to inspection by an alleged victim pursuant to 15 M.R.S. §§ 3308-C(5) and 3318-C(2)(A) and (B) will be printed by the clerk and provided for inspection in paper form at a courthouse, and must be returned to the court clerk after the document is inspected.

**(2) Alleged Victim Defined.** For purposes of this rule, alleged victim of the juvenile crime includes:

**(a)** The alleged victim;

**(b)** If the alleged victim is a minor, the parent or parents, guardian, or legal custodian of the alleged victim; or

**(c)** If the alleged victim cannot act on the alleged victim's own behalf due to death, age, physical or mental disease or disorder or intellectual disability or autism or other reason, an immediate family member, guardian, legal custodian of the alleged victim, or an attorney representing the alleged victim.

**(C) Dissemination of Juvenile Case Records.** Whenever dissemination of juvenile case records is allowed pursuant to 15 M.R.S. §§ 3308-C(4) or (6), the method of dissemination will be in the court's discretion.

**(D) Sealing or Impounding Public Juvenile Case Records.**

**(1) Sealing of Juvenile Case Records of a Person Adjudicated to Have Committed a Juvenile Crime.**

**(a)** The procedure to seal juvenile case records of a person adjudicated to have committed a juvenile crime shall be governed by 15 M.R.S. § 3308-C(10).

**(b)** Section 3308-C(10)(D) of Title 15 controls which persons have access to the sealed juvenile case records.

**(2) Limitation of Access to Juvenile Case Records Pre-Adjudication.** The procedure for limiting access to juvenile case

records pre-adjudication shall be governed by Rule 10(A)(2), except as otherwise provided by 15 M.R.S. § 3308-C(2). It is the responsibility of the filer to ensure that juvenile case records to which access has been limited are submitted to the court in accordance with Rule 12.

### **Advisory Note – June 2025**

The amendments to Rule 6 align the provisions regarding the confidentiality of records in juvenile cases with the significant changes that have been made to the statutes governing the confidentiality of those records since the adoption of the rules.

### **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;
- (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 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)** Disability accommodation requests;
- (2)** Images of minors and of persons of any age subject to guardianship, conservatorship, or mental health commitment proceedings;
- (3)** Images depicting nudity or of a sexual nature, including sexual acts, sexual contact, or sexual touching;
- (4)** Immigration and visa documents and related work authorizations;
- (5)** Court records relating to applications for court-appointed counsel and fee waivers, including indigency affidavits and any attachments;

**(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, and payment histories;

**(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;

**(8)** School and education records;

**(9)** Birth certificates and death certificates;

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

**(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;

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

**(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

(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).

## **RULE 8. JUROR INFORMATION**

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

### **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).

## **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 registration 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 use a public access computer, fifteen minutes is a presumptively reasonable time limit. 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) Self-Service Duplication of a Court Record.** Use of a smart phone or other electronic imaging device to duplicate or store copies of electronic court records is 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.

## **RULE 10. LIMITING ACCESS TO CASES OR COURT RECORDS**

### **(A) Procedure for Limiting Access.**

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

**(2)** The procedure for 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:

**(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 limit access on all parties unless the motion is filed *ex parte*.

**(d)** Upon acceptance by the court clerk of a motion to limit access, the motion 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 limit access, the motion 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 limit access to a case or a court record 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 and party interests in access to the case or court record, the court will consider the following factors:

**(i)** A person's safety, health, or well-being,

**(ii)** A person's substantial personal, business, or reputational interest, and

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

**(g)** If the court grants a motion to limit access to a case, access to all existing court records in that case and any court records subsequently filed are subject to that limitation.

**(B) Handling of Cases and Court Records to which there is Limited Access.** 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.

### **Advisory Note [August 2020]**

In determining whether to grant a motion to seal or impound, courts should be guided by the recognition that “the courts of this country recognize a general right to inspect and copy public records and documents.” *Nixon v.*

*Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). As courts have noted, however, this “general availability of court documents . . . is subject to ‘countervailing interests [that] heavily outweigh the public interests in access.’” *Carey v. Me. Bd. of Overseers of the Bar*, 2018 ME 73, ¶ 11, 186 A.3d 848 (quoting *Rushford v. New Yorker Magazine, Inc.*, 846 F. 2d 249, 253 (4th Cir. 1988)).

## **RULE 11. GAINING ACCESS TO CASES OR COURT RECORDS THAT ARE NONPUBLIC OR TO WHICH THERE IS LIMITED ACCESS**

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

**(1)** Cases or court records to which access has been limited by the court under Rule 10; 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.** A person seeking access to 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.

**(C) Procedure for Service when Addresses are Nonpublic.**

**(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 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, “Court Service Requested: Nonpublic Name or Address.” 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) Cases or Court Records to which Access has been Limited under Rule 10.** A motion for access to 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 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 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 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 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.** 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 an appeal 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 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.

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

The filer must ensure that 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 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 to which access has been 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)** 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.

**(E)** If a filed document does not comply with the requirements of these rules, the court may, upon motion or its own initiative, order:

**(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.

### **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.

### **Advisory Note – January 2026**

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

### **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.

### **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.

### **RULE 15 [REPEALED]**

### **RULES 16 TO 30. [RESERVED]**

## **PART TWO: RULES OF ELECTRONIC FILING AND SERVICE**

### **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 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.**

(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.

### **Advisory Note – December 2020**

Rule 31(A) and (C) of the Rules of Electronic Court Systems are amended to clarify that conventional filers in a court or region that has implemented EFS must comply with these rules and that conventional filers in those courts also must use the current Maine Judicial Branch forms.

### **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. 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 disposition of the 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.

### **Advisory Note [August 2020]**

Documents served through the EFS but not filed with the court are not in the electronic case file.

## **RULE 33. USE OF THE ELECTRONIC FILING SYSTEM**

**(A) Registration.** 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:

**(1)** Attorneys 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

(6) Unrepresented litigants filing more than six cases in the current calendar year 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) Requests for emergency guardianship of a minor; and

(e) Three-party child protection petitions.

**(C) Exemption to Required Use of the EFS.**

(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.** Anyone otherwise required to use the EFS may be excused from mandatory electronic

filing only upon motion and a showing of good cause. Good cause means circumstances that would render electronic filing such a hardship that access to the court would be denied. For the limited purpose of seeking an exception to mandatory electronic filing and service, 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.

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

**(G) Misuse of the EFS.** Misuse occurs when any 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 may subject the filer to criminal prosecution. Misuse may also result in suspension or revocation of an account, loss of ability to use the EFS, and any other penalty 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 orders 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.

### **Advisory Note – December 2020**

Rule 33(A)(2)(c) is amended to exempt from mandatory electronic filing representatives of the Department of Health and Human Services filing Requests for Preliminary Protection Orders.

Rule 33(C) is added to provide that a unrepresented litigant does not have to file emergency cases electronically.

The subsequent subdivisions are redesignated as subdivisions (D) through (G).

The heading of what is now subdivision (D) is amended to clarify that the good cause exceptions are exceptions to required use of the EFS.

### **Advisory Note [August 2020]**

The following are examples of what may qualify for a “good cause” exception for Required Electronic Filers under Rule 33(C): disability; limited English proficiency; electrical or internet outages; disaster; lack of internet access or safe internet access; or oversize exhibits such as maps and blueprints.

The scope of the good cause waiver is in the discretion of the court and may be by case, by filing, or by time period.

## **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) directly converted to PDF rather than scanned (if possible), and not 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 the maximum size. Separate files under this section must include in the “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, all documents must be submitted individually as separate files with the same submission, unless the submission uses a court-approved form that indicates otherwise. For each separate document submitted, the detailed caption title and 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 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 PDF format, such as videotapes, radiographs, and other items that are not intelligible when scanned, may be filed conventionally. The 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 filer shall serve the materials conventionally, if required.

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

**(a)** Documents 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)** 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

**(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).

**(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.

### **Advisory Note – December 2020**

Rule 34(B)(2)(c) is amended to clarify that all proposed orders are required to be filed conventionally.

Rule 34(B)(2)(d) is amended to clarify that anything required to be filed conventionally by law must be filed conventionally.

### **Advisory Note [August 2020]**

Rule 34(A)(2) requires that each electronic document be filed as a separate electronic file. However, separate electronic documents may be filed within the same submission. For example, a filer initiating a parental rights and responsibilities case would file the complaint and child support affidavit as separate documents within the same submission.

When a large document is submitted in separate files, each submission should be identified with a description in the “Comments To Court” field such as, for example, “Motion for Summary Judgment, part 1 of 2”.

## **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.

**(E) Acceptance or Rejection Procedure.**

**(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 filer and the submission shall not be entered on the registry of actions. The rejection notice shall identify the basis for the rejection.

**(2)** If a submission is rejected, the filer shall serve the notice of rejection on the other parties.

**(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 is the first resubmission;

(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.

**(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.

### **Advisory Note – December 2020**

Rule 35(B) of the Rules of Electronic Court Systems is amended to clarify the definition of a day. In addition, the Advisory Note from the initial adoption of the Rules is amended to clarify the scope of a clerk’s review of filings.

### **Advisory Note [August 2020]**

The court clerk does not review for legal sufficiency of the filing, which is clearly a judicial function. The court clerk’s review is similar to that described in M.R. Civ. P. 5(f). The court clerk’s review includes, for example, signatures, bar number, and duplicate filings.

## **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;
- (5) Any documents to be served on those who cannot be served using the EFS; and
- (6) Any documents for which a court order requires conventional service.

**(B) Service Recipients.** The filer must provide the name and service email address of the filer to be used by the EFS in the case. 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) 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) Conventional Service.** A person who does not use the EFS must be served conventionally.

**(E) Service of 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.

**(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.

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

**(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.

### **Advisory Note [August 2020]**

Under this rule, electronic service of a complaint, indictment, or information on a criminal defendant prior to arrest is not required.

## **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 unrepresented 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 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 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.

### **Advisory Note – May 2025**

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

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

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

### **Advisory Note – December 2020**

Rule 37 is amended to add “scanned” as an acceptable signature format.

## **RULE 38. NONPUBLIC COURT FILINGS**

**(A) Burden on the Filer.** When filing electronically or conventionally a filer must omit or redact nonpublic information in documents filed 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 filer must omit or redact nonpublic information and submit that information in a separate document. When a separate document is submitted containing nonpublic information, the filer must include in the “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 Documents to Which There is Limited Access.** Documents to which there is limited access must be filed and handled in compliance with Rule 12. The filer must include in the “Filing Description” field the designation “NONPUBLIC.”

**(D) Motion Limit Access.** Motions to 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.

## **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.

**(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 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.

### **Advisory Note [August 2020]**

When an application for a fee waiver is granted, the file date is determined pursuant to Rule 35(B).

## **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 and may be subject to professional discipline for any violations.

### **Advisory Note - January 2026**

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

### **Advisory Note [August 2020]**

Contempt of court refers to a finding in accordance with M.R. Civ. P. 66.