

waived unless seasonable objection thereto is made at the taking of the deposition.

(C) Objections to the form of written questions submitted under Rule 31 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within 5 days after service of the last questions authorized.

(4) As to Completion and Return of Deposition. Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, indorsed, transmitted, or otherwise dealt with by the officer under Rules 30 and 31 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

**Advisory Note  
January 1, 2003**

The amendment adds a new subdivision (c), replacing an abrogated provision on the effect of using depositions. It requires that a party using a deposition in court provide to the court an accurate written transcript of the deposition. If the deposition was recorded only by videotape, the transcript may be prepared from the tape itself. With the increased use of video depositions, a reliable transcript is indispensable to the court's efficient review of the proffered testimony in order to address any issues that may arise regarding use of the deposition.

**Advisory Committee's Notes  
1984**

Rule 32(a)(3) is amended to permit the use of a deposition at trial whenever a witness is unable to attend because of a conflict of substantial seriousness. The rule is intended to avoid the serious problem of continuances and trial delay which now may occur in scheduling the appearance of certain witnesses, such as doctors, who are not saved by the 100-mile distance provision of Rule 32(a)(3)(B) under which a deposition might be used, but nevertheless cannot attend at a scheduled trial date because of some other commitment of overriding necessity. Commitments which could justify the invocation of this provision should be limited to only the most serious circumstances, such as a required appearance under subpoena in another court or surgery that is essential to the health of a

patient. If the court is satisfied that such conditions exist, however, the deposition may be used.

**Advisory Committee's Note  
February 2, 1976**

Rule 32(c) is abrogated because it appears to be no longer necessary in the light of the Evidence Rules.

**Advisory Committee's Note  
October 1, 1970**

Existing Rule 32 becomes subdivision (d) of the rule; the provisions of the new Rules 32(a), (b), and (c) are derived from existing Rules 26(d), (e) and (f).

The Maine Rule keeps the phrase "due notice" in the introductory paragraph of Rule 32(a). The Federal Amendment substitutes the phrase "reasonable notice," but "due notice" is more appropriate in Maine where a seven-day notice is prescribed by Rule 30(b).

Subdivision (a) (4) involves a change in the standard under which a party offering part of a deposition in evidence may be required to introduce additional parts of the deposition. The present standard in Rule 26(d) (4) is "all of it which is relevant to the part introduced." The substituted phrase "any other part which ought in fairness to be considered with the part introduced," suggests a somewhat greater measure of discretion in application. The new standard conforms to Rule 1B07 of the proposed Federal Rules of Evidence. As stated in the Advisory Committee's Note to the March, 1969, Preliminary Draft of those proposed Federal Rules of Evidence, the rule is based upon two considerations: "The first is the misleading impression created by taking matters out of context. The second is the inadequacy of repair work when delayed to a point later in the trial." The fairness test appears to be more specifically directed to those considerations than the existing test of relevancy.

Other changes in Rule 32 are necessitated by changes in other rules and are minor verbal changes made for clarification.

**Reporter's Notes  
December 1, 1959**

This rule is the same as Federal Rule 32 except for increase in the time limit for objections to interrogatories. The policy of this rule is to subordinate minor procedural irregularities to the better over-all administration of justice, but at the same time to prevent the waiver of important objections. Rule 32(c) (1). R.S.1954, Chap. 117, Sec. 18 (repealed in 1959), is closely similar.

## RULE 41. DISMISSAL OF ACTIONS

### (a) Voluntary Dismissal: Effect Thereof.

(1) *By Plaintiff; by Stipulation.* Subject to the provisions of Rule 23(e) and of any statute, an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action; provided, however, that no action wherein a receiver has been appointed shall be dismissed except by order of the court. A dismissal under this paragraph may be as to one or more, but fewer than all claims, but not as to fewer than all of the plaintiffs or defendants. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of this state or any other state or the United States an action based on or including the same claim.

(2) *By Order of Court.* Except as provided in paragraph (1) of this subdivision of this rule, an action shall not be dismissed at the plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper. If a counterclaim has been pleaded by a defendant prior to the service upon the defendant of the plaintiff's motion to dismiss, the counterclaim shall remain pending for independent adjudication by the court despite the dismissal of the plaintiff's claim. Unless otherwise specified in the order, a dismissal under this paragraph is without prejudice.

### (b) Involuntary Dismissal: Effect Thereof.

(1) *On Court's Own Motion.* The court, on its own motion, after notice to the parties, and in the absence of a showing of good cause to the contrary, shall dismiss an action for want of prosecution at any time more than two years after the last docket entry showing any action taken therein by the plaintiff other than a motion for continuance.

(2) *On Motion of Defendant.* For failure of the plaintiff to prosecute for 2 years or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against the defendant.

(3) *Effect.* Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision (b) and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

(c) Dismissal of Counterclaim, Cross-Claim, or Third-Party Claim. The provisions of this rule apply to the dismissal of any counterclaim, cross-claim, or third-party claim.

(d) Costs of Previously-Dismissed Action. If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order.

#### **Advisory Committee's Notes 1989**

Rule 41(a)(1) is amended to provide that the plaintiff may unilaterally dismiss an action only prior to the filing of the answer or a motion for summary judgment, rather than at any time prior to trial, as formerly.

The amendment adopts the language of Federal Rule 41(a)(1). The Maine Rule as promulgated in 1959 departed from the Federal Rule in deference to prior Maine practice. See Reporter's Notes to M.R. Civ. P. 41(a); 1 Field, McKusick, and Wroth, *Maine Civil Practice* § 41.1 (2d ed. 1970). The development of extensive pretrial discovery practice and the recent emphasis on expedited pretrial procedure in Maine mean that plaintiffs should no longer have the tactical ability to impose expense and delay on other parties or avoid rule- or court-imposed deadlines by dismissal after extensive pretrial proceedings have taken place. The amendment will change the result of *Hall v. Norton*, 549 A.2d 372 (Me. 1988), in which the Law Court upheld a voluntary dismissal filed without prior notice to the court or defendant at 9:00 on the morning on which jury selection was to begin.

#### **Advisory Committee's Note February 1, 1983**

Rule 41(b)(2) is amended by deleting the last three sentences, which are to be incorporated for clarity in new Rule 50(d), added by simultaneous amendment. See Advisory Committee's note to that amendment.

**Advisory Committee's Note**  
**November 1, 1969**

Under existing Rule 41(a)(1) it is unclear whether a plaintiff may voluntarily dismiss without order of court as to fewer than all claims involved in the complaint or as to fewer than all defendants and whether one of several plaintiffs may take a voluntary dismissal without order of court. Although the language of the rule reading "an *action* may be dismissed by the plaintiff" would seem to exclude such partial dismissals, 5 Moore § 41.06-1 argues that voluntary dismissals as to one party or one claim should be permitted under Federal Rule 41(a). Moore also points to Rule 21 and Rule 15 as bases for motions to dismiss as to one party and as to one claim, respectively, but dismissal under both rules of course requires the court's approval upon motion.

It is thought undesirable policy to permit free withdrawal of one of several plaintiffs or free dismissal as to one of several defendants, because this makes for piecemeal litigation. Federal Rule 41(a) permits voluntary dismissal without court approval only up until the filing of the answer or a motion for summary judgment; in Maine such voluntary dismissal may come as late as the eve of trial, at a time when other parties may have expended great time and effort as to the plaintiff or the defendant involved in the partial dismissal. For this policy reason it is thought that a court order under Rule 21 or 41(a) (2) should be required for dismissing as to a party.

Some of the same policy considerations militate against permitting voluntary dismissal as to one or more but fewer than all claims. However, there is a contrary policy favoring any action that the parties may take to delimit the issues between them and thus simplify and expedite the litigation. Weighing these policy considerations in the balance, the Committee believes that voluntary dismissal as to less than all of the claims should be permitted without court approval.

Subject to the provisions of the last sentence of Rule 41(a)(1), a dismissal as to fewer than all the claims would be without prejudice.

Existing Rule 41(b)(1) relating to involuntary dismissal for want of prosecution permits by its terms such dismissal "without notice". In contrast Rule

41 of the District Court Civil Rules has from the beginning provided notice to the parties. Furthermore, in practice, notice is currently given at each term of court of those cases in which no action has been taken for more than two years and dismissal is ordered by the presiding justice only after the list of such cases, of which the counsel involved had been notified, is called in open court. This is done out of a feeling that such notice is required by common fairness, if not by the requirements of constitutional due process. The amendment expressly requires notice to be given.

### **Explanation of Amendments November 1, 1966**

These amendments to subdivisions (b) (2) and (b) (3) were taken respectively from 1963 and 1966 amendments to F.R. 41(b). The changes in Rule 41(b) (2) were to make clear that it applies only to actions tried without jury; the appropriate motion in a jury case is for a directed verdict under Rule 50(a). The previous overlap between the two rules had caused some confusion. The change in Rule 41(b) (3) was simply to substitute a reference to the amended Rule 19 for the present provision referring to dismissal for lack of an indispensable party.

### **Reporter's Notes December 1, 1959**

This rule substantially modifies Federal Rule 41. It continues the existing Maine practice which allows the plaintiff to take a voluntary nonsuit as of right at any time before the commencement of the trial. *Hayden v. Maine Central R. R. Co.*, 118 Me. 442, 108 A. 681 (1920). It is intended that "commencement of the trial" shall refer to the same time as "opening his case to jury, or to the court, when tried before the court without the intervention of a jury," the language used in the *Hayden* case, 118 Me. at 447, 108 A. at 683. The rule is couched in terms of "voluntary dismissal" instead of "nonsuit" to conform to the federal terminology.

A voluntary dismissal, like a nonsuit, is without prejudice the first time, but the rule provides that a second voluntary dismissal of the same claim operates as an adjudication on the merits.

Rule 41(a) (2) deals with a dismissal by order of the court, which may be upon such terms as the court deems proper. It further provides that voluntary dismissal cannot defeat a counterclaim already pleaded. A dismissal under this paragraph is without prejudice unless otherwise specified in the order.

Rule 41(b) (1) incorporates the present Maine rule for dismissal for want of prosecution for two years either at law (Revised Rules of Court 41) or in equity (Equity Rule 42) unless good cause is shown. Rule 41(b) (2) permits a defendant to move for dismissal at the close of the plaintiff's case without waiving the right himself to produce evidence if the motion is denied and with res judicata effect if the motion is granted. This is contrary to Maine practice, *Pendergrass v. York Mfg. Co.*, 76 Me. 509, but the change seems wise, particularly in the light of the court's discretionary power to dismiss without prejudice if it appears that the plaintiff deserves a chance to remedy the defect in his proof.

Rule 41(b) (3) makes it clear that any dismissal under this subdivision, whether by the court for want of prosecution or on motion of the defendant, operates as an adjudication on the merits. As indicated above, this is a change from the present law with respect to a nonsuit at the close of the plaintiff's case, but it appears to be in accord with existing law with respect to dismissal for want of prosecution. *Cf. S. D. Warren Co. v. Fritz*, 138 Me. 279, 25 A.2d 645 (1942); *Davis v. Cass*, 127 Me. 167, 142 A. 377 (1928).

Rule 41(d) is designed to prevent vexatious litigation. It is comparable to but less severe than R.S.1954, Chap. 113, Sec. 164 (amended in 1959) [now 14 M.R.S.A. § 1510]. The rule is permissive, whereas the statute is mandatory. In one respect, however, the rule is broader than the statute, since it in terms covers a prior action brought in another state or a Federal court, whereas the statute does not. *Folan v. Lary*, 60 Me. 545 (1872).

Last reviewed and edited December 21, 2011  
Includes amendments effective January 1, 2012

## **RULE 56. SUMMARY JUDGMENT**

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may move with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof. A motion for summary judgment may not be filed until the expiration of 20 days from the commencement of the action.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, but within such time as not to delay the trial, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part thereof.

(c) Proceedings on Motion. Any party opposing a motion may serve opposing affidavits as provided in Rule 7(c). Judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, referred to in the statements required by subdivision (h) show that there is no genuine issue as to any material fact set forth in those statements and that any party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages. Summary judgment, when appropriate, may be rendered against the moving party.

(d) Case Not Fully Adjudicated on Motion. If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly. In the event that a moving party's motion for summary judgment is denied in whole or in part, facts admitted by the parties solely for the purpose of the summary judgment motion shall have no preclusive effect at trial.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of that party's pleading, but must respond by affidavits or as otherwise provided in this rule, setting forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

(f) When Affidavits Are Unavailable. Should it appear from the affidavits of a party opposing the motion that the party cannot for reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Statements of Material Fact.

In addition to the material required to be filed by Rule 7, a motion for summary judgment and opposition thereto shall be supported by statements of material facts as addressed in paragraphs (1), (2), (3), & (4) of this rule.

(1) Supporting Statement of Material Facts. A motion for summary judgment shall be supported by a separate, short, and concise statement of material facts, set forth in numbered paragraphs, as to which the moving party contends there is no genuine issue of material fact to be tried. Each fact asserted in the

statement shall be set forth in a separately numbered paragraph and shall be supported by a record citation as required by paragraph (4) of this rule.

(2) Opposing Statement. A party opposing a motion for summary judgment shall submit with its opposition a separate, short, and concise statement. The opposing statement shall admit, deny or qualify the facts by reference to each numbered paragraph of the moving party's statement of material facts and unless a fact is admitted, shall support each denial or qualification by a record citation as required by this rule. Each such statement shall begin with the designation "Admitted," "Denied," or "Qualified" (and, in the case of an admission, shall end with such designation). In addition to any denials or qualifications, the party opposing summary judgment may note any objections to factual assertions made by the moving party as set forth in paragraph (i). The opposing statement may contain in a separately titled section any additional facts which the party opposing summary judgment contends raise a disputed issue for trial, set forth in separate numbered paragraphs and supported by a record citation as required by paragraph (4) of this rule.

(3) Reply Statement of Material Facts. A party replying to the opposition to a motion for summary judgment shall submit with its reply a separate, short, and concise response limited to the additional facts submitted by the opposing party and any objections to denials or qualifications as set forth in paragraph (i). The reply statement shall admit, deny or qualify such additional facts by reference to the numbered paragraphs of the opposing party's statement of material facts and unless a fact is admitted, shall support each denial or qualification by a record citation as required by paragraph (4) of this rule. Each reply statement shall begin with the designation "Admitted," "Denied," or "Qualified" (and, in the case of an admission, shall end with such designation).

(4) Statement of Facts Deemed Admitted Unless Properly Controverted; Specific Record of Citations Required. Facts contained in a supporting or opposing statement of material facts, if supported by record citations as required by this rule, shall be deemed admitted unless properly controverted. An assertion of fact set forth in a statement of material facts shall be followed by a citation to the specific page or paragraph of identified record material supporting the assertion. The court may disregard any statement of fact not supported by a specific citation to record material properly considered on summary judgment. The court shall have no independent duty to search or consider any part of the record not specifically referenced in the parties' separate statement of facts.

(i) Motions to Strike Not Permitted.

(1) Motions to strike factual assertions, denials, or qualifications contained in any statement of material facts filed pursuant to this rule are not permitted. If a party contends that the court should not consider a factual assertion, denial, or qualification, the party may set forth an objection in either its opposing statement or in its reply statement and shall include a brief statement of the reason(s) for the objection and any supporting authority or record citations.

(2) A party moving for summary judgment may respond in its reply statement to any objections made by the party opposing summary judgment. If the moving party objects in its reply statement to any factual assertion, denial, or qualification made by the opposing party, the party opposing summary judgment may file a response within 7 days of the filing of the reply statement. Such a response shall be strictly limited to a brief statement of the reason(s) why the factual assertion should be considered and any supporting authority or record citations.

(j) Foreclosure Actions. No summary judgment shall be entered in a foreclosure action filed pursuant to Title 14, Chapter 713 of the Maine Revised Statutes except after review by the court and determination that (i) the service and notice requirements of 14 M.R.S. § 6111 and these rules have been strictly performed; (ii) the plaintiff has properly certified proof of ownership of the mortgage note and produced evidence of the mortgage note, the mortgage, and all assignments and endorsements of the mortgage note and the mortgage; and (iii) mediation, when required, has been completed or has been waived or the defendant, after proper service and notice, has failed to appear or respond and has been defaulted or is subject to default. In actions in which mediation is mandatory, has not been waived, and the defendant has appeared, the defendant's opposition pursuant to Rule 56(c) to a motion for summary judgment shall not be due any sooner than ten (10) days following the filing of the mediator's report.

**Advisory Note – November 2011**

The amendment to Rule 56(d) establishes that a fact admitted or not opposed by any party solely for purposes of summary judgment is not deemed admitted for any other purpose if the motion for summary judgment is denied. The purpose of the amendment is to make it unnecessary to controvert facts for purposes of summary judgment solely because of concern about the possible preclusive effect

of any admission of fact at trial or in other subsequent proceedings. The rule amendment does not preclude the issuance of a partial summary judgment order.

**Advisory Note  
August 2009**

This amendment to Rule 56[j] is designed to assure that, prior to entry of any summary judgment in a foreclosure action, the trial court reviews the record and determines that, as required by law, the notice and service requirements of law have been complied with and any available mediation has been completed or has been waived. In addition, when mediation is mandatory and the defendant has appeared but not waived mediation, this amendment sets the deadline for opposing a motion for summary judgment ten days following the filing of the mediator's report. For some counties, foreclosure mediation may not be available or required until January 1, 2010.

**Advisory Committee Note  
April 2, 2007**

The purpose of these amendments is to make Rule 56 practice more uniform and efficient and, in particular, to eliminate the practice of filing motions to strike in order to raise or preserve objections to factual assertions contained in statements of material facts filed in connection with motions for summary judgment. This practice has led to a situation where motions for summary judgment, which are often complicated enough in their own right, have spawned multiple subsidiary motions and needless additional filings in the form of motions to strike and objections thereto.

The second major change is that a new last sentence in subsection (d) explicitly states that facts admitted for summary judgment shall have no preclusive effect at trial upon any third party who did not participate in the summary judgment proceeding.

There is a related concern among practitioners that a court may not grant partial summary judgment but will instead determine factual issues at the summary judgment stage with preclusive effect at trial. The Committee did not amend the rule to address this concern for two reasons. First, the existing rule makes clear that such a finding under subdivision (d) occurs only after the court "by interrogating counsel" determines those facts "without substantial controversy," a

finding that could not be made if counsel in this process indicates that facts are disputed. Second, the amended rule states that there is no such preclusive effect on third parties for facts admitted on summary judgment. The Committee also observed that the procedure of subdivision (d) appears to be used rarely if at all. Until real problems arise, there seems to be little need to amend the rule to eliminate a process that could potentially be useful if properly employed.

The rule continues to provide that a party opposing summary judgment must admit, deny, or qualify each statement in the moving party's statement of material facts. Because motions to strike assertions contained in statements of material fact have been eliminated, the amended rule provides that parties may also object to factual assertions, denials, or qualifications in their statements of material facts. The grounds for such objections are specified in subparagraph (i).

The reply statement previously was limited only to the so-called additional facts in the opposing statement of material facts, but as part of this amendment the reply statement may now also be used to object to denials or qualifications in the Rule 56(h)(2) statement submitted by the party opposing summary judgment. The objection should be limited to a short and concise statement of the basis for the objection with a statement of authority or a record citation. The objection, however, is not an excuse for not responding to the factual statement. The statement should still be admitted, denied or qualified subject to the objection.

These amendments also provide that if objections are raised for the first time in a reply statement of material facts, the opposing party may file a response to the objections within seven days. Such response, however, is to be strictly limited to a brief statement of why the objection is invalid along with any supporting authority or record citations.

In instances where parties admit certain facts but argue that those facts are not material because they do not affect the outcome of the motion, they should raise their arguments with respect to materiality in their memoranda of law rather than in their statements of material facts. In short, the statements of fact should be precisely what the rule requires: "short and concise." Rule 56(h)(1).

Where a party raising an objection to factual assertions or disputes contained in a statement of material facts wishes to direct the court's attention to portions of the record which support the objection, the party shall set forth citations to the relevant portions of the record in its opposing or reply statement of facts. Thus, all citations to the record should be found in the original statement of material facts, in

the opposing statement of material facts, or in the reply statement of material facts. On a motion for summary judgment, the court is not obliged to review any portions of the record that are not identified in any of the statements of material fact filed in connection with the motion.

The parties may bring any unusual issues presented by a motion for summary judgment to the attention of the court in their memoranda of law or as otherwise permitted by the rules without filing motions to strike. For instance, if a statement of material facts cites to documents or witnesses that were requested but not disclosed during discovery, the opposing party may, in addition to raising an objection to this effect, also bring the discovery violation to the attention of the court by requesting a conference pursuant to Rule 26(g) while the summary judgment motion is pending.

**Advisory Committee Notes  
January 1, 2004**

The amendments to M.R. Civ. P. 56(h)(1), (2), and (3) continue the policy of conforming summary judgment practice under M.R. Civ. P. 56 with practice under Local Rule 56 of the United States District Court for Maine. The amendments are nearly identical to amendments to Local Rule 56 effective July 1, 2003. The only difference is that the amendment to Rule 56(h)(1) is added to the last sentence, rather than the middle sentence, of the Rule to make the wording of the amendment more precise.

The purpose of these amendments is to clarify that:

1. Each separate fact asserted in a supporting or opposing statement of material fact must be stated in a separately numbered paragraph, and
2. Responses must also be in separately numbered paragraphs and, if a fact is admitted, the admission shall be stated and nothing more. If a fact is denied or qualified, the denial or qualification must be supported by a record citation.

These amendments will make it easier to determine what facts are stated, what facts are admitted, denied or qualified, and what facts are unopposed and may be deemed admitted under M.R. Civ. P. 56(b)(4).

**Advisory Committee's Notes  
July 1, 2001**

The amendment, striking reference to Rule 7(d) and substituting the reference to subdivision (h) makes a correction necessitated by moving of the statement of material fact requirements from Rule 7(d) to Rule 56(h).

**Advisory Committee's Notes**  
**January 1, 2001**

The requirement that motions for summary judgment be supported or opposed by statements of material fact was originally added as Rule 7(d). Its provisions were based on then existing Rule 19(b) of the Local Rules for the United States District Court for Maine in order to have practice similar in Federal and State courts. Experience in summary judgment motion practice indicated need for some clarification of the statement of material fact requirement. Accordingly, in 1999, the Local Federal Rule regarding statements of material fact was amended and renumbered as Rule 56 of the Local Rules. This amendment conforms state practice for statements of material fact to the present Federal Local Rule 56, and moves the statement of material fact requirements back into Rule 56(h). The important changes from Rule 7(d):

- Emphasize that each statement of material fact must be short, concise and supported by a record citation. Pursuant to Rule 56(e), the record citation must be to facts “as would be admissible in evidence.”
- Require that opposing statements reference each numbered paragraph of the moving party’s statement and admit, deny or qualify those facts, with denials or qualifications supported by record references. Opposing statements may add additional statements of material fact supported by record references.
- Allow a properly supported responding statement by the moving party.
- Specify that record citations must be to specific pages or paragraphs of the record. General references (e.g. “See Deposition Pages 8-25,” “See Plaintiff’s Affidavit”) are no longer sufficient and may be disregarded.

- State that the court has no independent duty to search the record beyond the parts specifically referenced in the parties' statements of material facts.

**Advisory Committee's Notes  
1999**

The last two sentences of subdivision (a) have been eliminated in view of the corresponding replacement of Rule 16. The time for filing and disposing of motions, including motions for summary judgment, is now governed by the scheduling order and pretrial order issued under new Rule 16.

**Advisory Committee's Notes  
February 15, 1996**

Rule 56(a) is amended for conformity with the simultaneous amendment of Rule 16(c)(2) requiring post-discovery summary judgment motions in fast-track cases to be filed within 60 days after completion of discovery or within 21 days after filing of such a motion by an opponent. For other actions, the motion must be filed when specified in a pretrial order under Rule 16, subject to the continuing requirement that filing not delay the trial.

**Advisory Committee's Notes  
1990**

Rule 56(c) is amended to strike provisions governing timing of filing and opposition to motions for summary judgment. The timing for such motions is now subject to the provisions of Rule 7, which has been simultaneously amended. *See* Advisory Committee's Note to that amendment. The court's decision under Rule 56(c) is now closely tied to the requirement of new Rule 7(d) that the parties file statements of material fact with or in opposition to a summary judgment motion. In ruling on the motion, the court is to consider only the portions of the record referred to, and the material facts set forth, in the Rule 7(d) statements.

**Advisory Committee's Notes  
1985**

Rule 56(c) is amended to change from 10 to 30 days the time before hearing by which a motion for summary judgment must be filed and to require that the adverse party serve opposing affidavits at least 7 days prior to hearing unless

permitted to make service at a later time on a showing of good cause. The amendment is applicable in the District Court by virtue of its incorporation in M.D.C. Civ. R. 56.

The amendment is intended to cure a problem which the short filing times in the original rule have created. These filing times frequently result in disruption of the summary judgment hearing process, because the judge has not had adequate time to review memoranda and affidavits filed at the last minute in opposition to the motion. This difficulty is in part caused by an inadvertent conflict between Rule 56(c) and the 1981 addition of Rule 7(b)(3) requiring a memorandum in opposition to a motion to be filed within 10 days after service of the motion. The 30-day time limit in the present amendment will assure that the Rule 7(b)(3) memorandum is before the court well before the hearing date. The 7-day time period for filing affidavits will further assist in eliminating the last-minute burden on the judge. Where difficulties in obtaining affidavits in time arise, the good cause exception in the amended rule may be invoked by motion for enlargement of the time period under Rule 6(b).

**Advisory Committee's Note  
December 31, 1967**

This amendment is designed to prevent delaying tactics and reflects present practice. The courts, using their inherent powers, have in practice interpreted the rule in this manner. This amendment simply makes it clear that they have the power to do so and conforms to the language of Rule 12(c).

**Explanation of Amendment  
(Nov. 1, 1966)**

This amendment was taken from a 1963 amendment to F.R. 56(e). It is trivial in nature. The caption is changed to make it more informative, and "answers to interrogatories" is inserted as one of the means by which summary judgment affidavits may be supplemented or opposed. Other 1963 changes in F.R. 56(e) were in M.R.C.P. 56(e) as originally promulgated.

**Reporter's Notes  
December 1, 1959**

This rule is substantially the same as Federal Rule 56. It is an innovation in Maine procedure, but it represents established practice in over 30 states. Rule 56(c)

is the heart of the rule. The third sentence states the guiding principle. The key words are that a summary judgment will be entered upon a showing "that there is no genuine issue as to any material fact." In making this determination the court considers pleadings, depositions, answers to interrogatories, admissions on file, and affidavits. The federal rule does not include answers to interrogatories as a basis for summary judgment, but their inclusion reflects the federal case law. *American Airlines v. Ulen*, 186 F.2d 529 (D.C.Cir.1949). If the motion is heard on the pleadings alone, it serves the function of the old demurrer. The affidavits, if any, must be on personal knowledge and set forth such facts as would be admissible in evidence. Summary judgment may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

## RULE 65. INJUNCTIONS

(a) Temporary Restraining Order; Notice; Hearing; Duration. A temporary restraining order may be granted without written or oral notice to the adverse party or that party's attorney only if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that party's attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice should not be required. The verification of such affidavit or verified complaint shall be upon the affiant's own knowledge, information or belief; and, so far as upon information and belief, shall state that the affiant believes this information to be true. Every temporary restraining order granted without notice shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry as the court fixes, unless within the time so fixed the order, for good cause shown, is extended or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if the party does not do so, the court shall dissolve the temporary restraining order. On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

### (b) Preliminary Injunction.

(1) *Notice.* No preliminary injunction shall be issued without notice to the adverse party. The application for preliminary injunction may be included in the complaint or may be made by motion.

(2) *Consolidation of Hearing With Trial on Merits.* Before or after the commencement of the hearing of an application for a preliminary injunction, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing of the application. Even when this consolidation is not ordered, any evidence received upon an application for a preliminary injunction which would be admissible upon the trial on the merits becomes part of the record on the trial and need not be repeated upon the trial. This subdivision (b)(2) shall be so construed and applied as to save to the parties any rights they may have to trial by jury.

(c) *Security.* No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained, provided, however, that for good cause shown and recited in the order, the court may waive the giving of security.

A surety upon a bond or undertaking under this rule submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as the surety's agent upon whom any papers affecting the surety's liability on the bond or undertaking may be served. The surety's liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court who shall forthwith mail copies to the persons giving the security if their addresses are known.

(d) *Form and Scope of Restraining Order or Injunction.* Every restraining order and every order granting a preliminary or permanent injunction shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(e) *Statutes.* These rules do not modify any statute relating to temporary restraining orders and preliminary injunctions in domestic relations actions, actions affecting employer and employee or any other actions where an injunctive proceeding is conducted according to statute.

(f) Presentation to Other Justice or Judge. When an application for an injunction or for an order or decree under this rule is made to one justice or judge and has been acted upon by that justice or judge, it shall not be presented to any other justice or judge except by consent of the first justice or judge which may be oral.

**Advisory Committee's Notes**  
**May 1, 2000**

Subdivision (e) is broadened. The present language is the same as that adopted in 1959. At that time, statutes may have only significantly affected injunctive relief issues in labor disputes. Since then a number of statutes have been adopted in other areas, particularly domestic relations, that prescribe injunctive practice for particular causes of actions, for example, the automatic injunctions that issue to protect against dissipation of property in divorce cases. Accordingly, the amendment broadens the language of the rule to recognize these other statutory impacts on injunctive practice.

**Advisory Committee's Note**  
**November 15, 1976**

This amendment is intended to facilitate the on-going prosecution of requests for temporary restraining orders or preliminary injunctions. The rule still is intended to prohibit counsel from showing an application for a temporary restraining order or preliminary injunction in the first instance to more than one Justice. As noted in Field, McKusick & Wroth, *Maine Civil Practice*, § 65.9 at p. 114, this rule is intended to “. . . [P]revent the plaintiff's counsel from shopping around from judge to judge until he finds one who will grant the desired injunction.” The language of the rule as amended is not intended, however, to restrict the on-going consideration of the application to the judge who initially hears the matter and grants the temporary restraining order or preliminary injunction. It is the purpose of this amendment to permit subsequent proceedings on the application to be held before any justice who has the oral consent of the justice who initially heard the application. It is not intended that the rule should delay proceedings on such applications according to the scheduling needs of the justice initially hearing the application.

**Advisory Committee's Note**  
**December 31, 1967**

This amendment makes the effective period of a temporary restraining order a matter of the discretion of the court. The rigid time limit of 10 days, with one extension for a like period, is eliminated. However, it would be expected that the court will continue to fix only a very limited duration for a temporary restraining order, and will exceed the present time periods only in the unusual circumstance where the situation of the parties and the schedule of the court require a greater amount of time before the hearing on the application for preliminary injunction. Also, the defendant against whom the temporary restraining order has been issued without notice can move for the dissolution of the order. The last sentence of Rule 65(a) assures him of a prompt hearing.

### **Explanation of Amendments (Nov. 1, 1966)**

The amendment of Rule 65(a) was taken from a 1966 amendment to F.R. 65(b). It adverts specifically to the possibility of oral notice to the adverse party or his attorney before granting a temporary restraining order. It has been common in Maine for the judge to insist upon such notice if it is practicable. The amendment codifies this practice and requires an opportunity for the adverse party or his attorney to be heard in opposition to a temporary restraining order unless irreparable injury will result.

The amendment of Rule 65(b) was taken from a 1966 amendment to F.R. 65(a). It adds a new subdivision (2) providing express authority for consolidation of an application for a preliminary injunction with the trial on the merits (a power presumably existing without need of specification by rule). The new subdivision provides further that when there is no such consolidation, evidence received in connection with an application for a preliminary injunction which would be admissible on the trial on the merits becomes part of the trial record and need not be repeated at trial.

### **Reporter's Notes December 1, 1959**

This rule is like Federal Rule 65, but with minor changes. It is somewhat more elaborate than the procedure under R.S.1954, Chap. 107, Sec. 34 (repealed in 1959), but not significantly different. The second sentence of Rule 65(a) is not in the federal rule but is taken from Equity Rule 12.

Similarly the second sentence of Rule 65(b) has no federal counterpart. It is designed to make clear that when the complaint demands only a permanent injunction, a preliminary injunction may be sought by motion. Ordinarily it may be assumed that a preliminary injunction will be prayed for in the complaint if the plaintiff desires such relief.

The proviso giving the court power, for good cause shown, to waive the giving of security under Rule 65(c) is not in the federal rule.

Subdivision (e) makes it clear that R.S.1954, Chap. 107, Sec. 36 [now 26 M.R.S.A. § 5], dealing with injunctions in labor disputes, is not affected by the rule.

Rule 65(f) is not in the federal rule. It is taken from Equity Rule 37, with the added proviso that a justice who has acted upon a matter may direct that because of his necessary absence it may be presented to another justice.

## **RULE 80E. ADMINISTRATIVE INSPECTION WARRANTS**

(a) Who May Secure. An official or employee of the state or of any political subdivision of the state who is authorized by law to conduct inspections of premises may apply to a District Court Judge, in the division and district in which the property to be inspected is located, for a warrant to inspect particularly described premises for particularly described purposes authorized by law.

(b) Contents of Application. The application shall be in the form of a sworn affidavit and shall set forth the following facts:

(1) The statutory or other authority pursuant to which the applicant claims to be authorized to conduct inspections, the premises to be inspected, and the purpose of the inspection.

(2) Whether such inspection is sought as part of a general area inspection and if so, the area being inspected and the grounds of probable cause to believe that there is located on the property in said area violations of statutes, ordinances, or regulations the applicant is authorized to enforce.

(3) If the inspection is not part of a general area inspection, the grounds of probable cause to believe that there is located on the particular premises to be inspected violations of statutes, ordinances, or regulations the applicant is authorized to enforce.

(4) That the applicant has requested permission from the owner or occupant of the premises to be inspected to conduct such inspection and that such permission has been denied.

(5) That the applicant has at least 24 hours in advance of the presentation of the application given written notice to the owner or occupant of the premises to be inspected of the time and place at which the applicant intends to present the application to the court.

(6) The requirements of subdivisions (4) and (5) of this rule may be dispensed with if the application sets forth facts showing probable cause to believe that there are located on the premises to be inspected violations of law which constitute an immediate threat to the health or safety of the public.

(c) Issuance. Upon a finding of probable cause the District Court Judge shall issue a warrant to the applicant, but if the owner or occupant of the premises is present at the time of presentation of the application no warrant shall issue until said owner or occupant has been afforded an opportunity to state any opposition to the issuance of the warrant.

(d) Contents. The warrant shall specify the grounds of probable cause, the premises to be inspected, the purpose of the inspection, and the person authorized to conduct the inspection.

(e) Execution. The person to whom a warrant is issued shall execute the same by conducting the inspection authorized during normal business hours within 10 days after issuance of the warrant. The person executing the warrant shall at the time of execution deliver a copy thereof to the owner or the occupant of the premises inspected or leave a copy on said premises in a conspicuous place.

(f) Return. Not later than 10 days after execution of the warrant the person executing it shall file a return with the court from which the warrant issued setting forth the date and time of the inspection and any violations of law found upon the inspected premises.

**MAINE DISTRICT COURT CLERKS, COURT DAYS  
AND TOWNS BY DIVISION**

**FIRST DISTRICT**

**Division of Eastern Aroostook (Caribou)**

Clerk: Diane Glidden                      Tel. 207-493-3144  
County Courthouse, 144 Sweden St., Caribou, ME 04736-2399

Court days: Special Hearings: First and Third weeks of the month; Regular Hearings: Tuesday and Thursday during second and fourth weeks of the month.

Caribou	New Sweden	Washburn
Caswell Pt.	Perham	Westmanland Pt.
Connor	Stockholm	Woodland
Limestone	Wade	

Also including all unorganized territory to the north of these up to the boundary of the division of Western Aroostook.

**Division of Western Aroostook (Fort Kent)**

Clerk: Linda Cyr                      Tel. 207-834-5003                      linda.cyr@courts.maine.gov  
139 Market St., Ste 101, Fort Kent, ME 04743  
Court day: Call for available days.

**Division of Western Aroostook, (Madawaska)**

Clerk: Linda Cyr                      Tel. 207-728-4700                      linda.cyr@courts.maine.gov  
645 Main St., Madawaska 04756

Court days: Call for available days.

Allagash	Grand Isle	St. Francis
Cyr Pt.	Hamlin Pt.	Van Buren
Eagle Lake	Madawaska	Wallagrass Pt.
Fort Kent	New Canada Pt.	Winterville Pt.
Frenchville	St. Agatha	

**SECOND DISTRICT**

**Division of Central Aroostook (Presque Isle)**

Clerk: Sandra Thomas                      Tel. 207-764-2055                      sandra.thomas@courts.maine.gov  
27 Riverside Drive, P.O. Box 794, Presque Isle, ME 04769-0794

Court days: Wednesday, Thursday and Friday. (Magistrate alternates Monday or Tuesday)

Ashland	Fort Fairfield	Nashville Pt.
Blaine	Garfield Pt.	Portage Lake
Castle Hill	Mapleton	Presque Isle
E Pt.	Mars Hill	Squapan
Easton	Masardis	Westfield

Also including all unorganized territory north of these to the boundaries of the divisions of Eastern and Western Aroostook.

**SECOND DISTRICT (cont)**

**Division of Southern Aroostook (Houlton)**

Clerk: Angela Graham Tel. 207-532-2147

26 Court St., Ste 201, Houlton, ME 04730

Court days: Monday and Tuesday.

Amity	Hodgdon	North Yarmouth
Bancroft	Houlton	Academy Grant
Benedicta	Island Falls	Oakfield
Bridgewater	Linneus	Orient
Cox Patent	Littleton	Reed Pt.
Crystal	Ludlow	St. Croix
Dudley	Macwahoc Pt.	Sherman
Dyer Brook	Merrill	Silver Ridge Pt.
Forkstown	Molunkus	Smyrna
Glenwood Pt.	Monticello	Upper Molunkus
Hammond Pt.	Moro Pt.	Webbstown
Haynesville	New Limerick	Weston
Hersey		

**THIRD DISTRICT**

**Division of Southern Penobscot (Bangor)**

Clerk: Penny Reckards Tel. 207-561-2300

78 Exchange St., Bangor, ME 04401

Court days: Daily.

Alton	Eddington	Milford
Argyle	Glenburn	Olamon
Bangor	Grand Falls Pt.	Old Town
Bradley	Greenbush	Orono
Brewer	Greenfield	Orrington
Cardville	Hampden	Summit Twp.
Clifton	Hermon	Veazie
Costigan	Holden	

**Division of Western Penobscot (Newport)**

Clerk: Ronda Nelson Tel. 207-368-5778

12 Water St., Newport, ME 04953

Court days: Up to five days per week.

Bradford	Dixmont	Levant
Carmel	Etna	Newburgh
Charleston	Exeter	Newport
Corinna	Garland	Plymouth
Corinth	Hudson	Stetson
Dexter	Kenduskeag	

ronda.h.nelson@courts.maine.gov

**FOURTH DISTRICT**

**Division of Northern Washington (Calais)**

Clerk: Karen K. Moraisey Tel. 207-454-2055

382 South St. Ste B, Calais, ME 04619

Court days: First full week: Tues. & Thurs.; Second full week: Wed. & Thurs.; Third full week: Tues.; Fourth full week: Tues., Wed., Thurs.

Alexander	Eastport	Robbinston
Baileyville	Forest City	Talmadge
Baring	Grand Lake Stream	Topsfield
Brookton	Indian Township	Vanceboro
Calais	Kossuth Twp.	Waite
Charlotte	Lambert Lake	Wesley
Codyville Pt.	Meddybemps	Woodland
Cooper	Pembroke	T26, E.D.
Crawford	Perry	T36, M.D.
Danforth	Pleasant Point	T37, M.D.
Dyer	Princeton	

**FOURTH DISTRICT (cont)**

**Division of Southern Washington (Machias)**

Clerk: Pamela McPherson Tel. 207-255-3044 pam.mcpherson@courts.maine.gov  
85 Court St., P.O. Box 526, Machias, ME 04654-0526

Court days: Third Monday per month and varied other days. Arraignments: First full week of the month. Adult Drug Court: every other Friday.

Addison	Devereaux Twp.	Marshfield
Beals	East Machias	Milbridge
Beddington	Edmunds	Northfield
Centerville	Harrington	Roque Bluffs
Cherryfield	Jonesboro	Steuben
Columbia	Jonesport	Trescott
Columbia Falls	Lubec	Wesley
Cutler	Machias	Whiting
Deblois	Machiasport	Whitneyville
Dennysville	Marion Twp.	

Also including all unorganized territory in Washington County south of the boundary of the division of Northern Washington.

**FIFTH DISTRICT**

**Division of Central Hancock (Ellsworth)**

Clerk: Terry Harding Tel. 207-667-7141  
50 State St., Ste 2, Ellsworth, ME 04605-1992

Court days: Monday through Friday; Case Management: First two full weeks on Wed.; Last two weeks of month on Thurs.

Amherst	Eastbrook	Osborn
Aurora	Ellsworth	Otis
Bar Harbor	Franklin	Penobscot
Bass Harbor	Frenchboro	Sedgwick
Blue Hill	Gouldsboro	Sorrento
Brooklin	Green Lake	Southwest Harbor
Brooksville	Hancock	Stonington
Bucksport	Lamoine	Sullivan
Castine	Long Island Pt	Surry
Cranberry Isle	Mariaville	Verona
Dedham	Mount Desert	Waltham
Deer Isle	Orland	Winter Harbor

Also including all unorganized territory in Hancock County north and east of Ellsworth.

**Division of Waldo (Belfast)**

Clerk: Brooke Otis Tel. 207-338-3107  
103 Church St., Belfast, ME 04915

Court days: Every day.

Belfast	Liberty	Searsport
Belmont	Lincolntonville	Stockton Springs
Brooks	Monroe	Swanville
Burnham	Montville	Thorndike
Frankfort	Morrill	Troy
Freedom	Northport	Unity
Islesboro	Palermo	Winterport
Jackson	Prospect	
Knox	Searsmont	

**SIXTH DISTRICT**

**Division of Sagadahoc (West Bath)**

Clerk: Anita Alexander Tel. 207-442-0200 anita.m.alexander@courts.maine.gov  
101 New Meadows Rd., West Bath 04530-9704  
Civil Information: 207-442-0202; Family Case Information: 207-442-0204  
PA/PH Information: 207-442-0203; Criminal Case Information: 207-442-0205

Court days: Monday through Friday.

Arrowsic	Freeport	Topsham
Bath	Georgetown	West Bath
Bowdoin	Harpswell	Woolwich
Bowdoinham	Phippsburg	
Brunswick	Richmond	

**Division of Lincoln (Wiscasset)**

Clerk: Kelly Cluff Tel. 207-882-6363 kelly.cluff@courtsmaine.gov  
32 High St., P.O. Box 249, Wiscasset, ME 04578

Court days: Call for Court Days.

Alna	Edgecomb	Southport
Boothbay	Jefferson	Waldoboro
Boothbay Harbor	Monhegan Island	Westport
Bremen	Newcastle	Whitefield
Bristol	Nobleboro	Wiscasset
Damariscotta	Somerville	
Dresden	South Bristol	

**Division of Knox (Rockland)**

Clerk: Eileen Bridges Tel. 207-596-2240 elieen.bridges@courts.maine.gov  
62 Union St., Rockland, ME 04841-0544

Court days: Call for court days.

Appleton	Matinicus	South Thomaston
Camden	North Haven	Thomaston
Cushing	Owls Head	Union
Friendship	Rockland	Vinalhaven
Hope	Rockport	Warren
Isle au Haut	St. George	Washington

**SEVENTH DISTRICT**

**Division of Southern Kennebec (Augusta)**

Clerk: Michele Lumbert Tel.207-287-8075 michele.lumbert@courts.maine.gov  
145 State St., Augusta, ME 04330-7495

Court days: Daily.

Augusta	Hallowell	Readfield
Chelsea	Litchfield	Togus
China	Manchester	Wayne
Farmingdale	Monmouth	W. Gardiner
Fayette	Pittston	Windsor
Gardiner	Randolph	Winthrop

**Division of Northern Kennebec (Waterville)**

Clerk: Christine Longley Tel.207-873-2103 christine.longley@courts.maine.gov  
18 Colby St., Waterville, ME 04901-5573

Court days: Monday through Friday.

Albion	Mt. Vernon	Unity Pt.
Belgrade	North Belgrade	Vassalboro
Belgrade Lakes	North Vassalboro	Vienna
Benton	Oakland	Waterville
Clinton	Rome	Winslow
East Vassalboro	Sidney	

**EIGHTH DISTRICT**

**Division of Southern Androscoggin (Lewiston/Auburn)**

Clerk: Susan Bement [susan.bement@courts.maine.gov](mailto:susan.bement@courts.maine.gov)  
(civil information: 207-795-4801) (criminal & bail case information 207-795-4800)  
(small claims information: 207-795-4801)  
71 Lisbon St., P.O. Box 1345, Lewiston, ME 04243-1345

Court days: Daily.

Auburn	Lewiston	Mechanic Falls	Turner
Durham	Lisbon	Minot	Wales
Greene	Livermore	Poland	
Leeds	Livermore Falls	Sabattus	

**NINTH DISTRICT**

**Division of Southern Cumberland (Portland)**

Clerk: Sally Bourget [sally.bourget@courts.maine.gov](mailto:sally.bourget@courts.maine.gov)  
\*\* All Criminal cases now handled by Superior Court in Portland: 207-822-4204  
Civil Information: 207-822-4200; Family Case Information: 207-822-4221  
PA/PH Information: 207-822-4201  
205 Newbury St., P.O. Box 412, Portland, ME 04112 -0412

Court days: Daily.

Cape Elizabeth	Gray	Pownal	Windham
Cumberland	New Gloucester	Scarborough	Yarmouth
Falmouth	North Yarmouth	South Portland	
Gorham	Portland	Westbrook	

**Division of Northern Cumberland (Bridgton)**

Clerk: Belinda Becher Tel. 207-647-3535  
3 Chase St., Ste 2, Bridgton, ME 04009

Court days: Tuesday, Wednesday, Thursday. Second Tuesday of each month for Oxford County cases; every other Tuesday for Cumberland County cases.

Baldwin	Denmark	Kezar Falls	Raymond
Bridgton	Fryeburg	Lovell	Sebago
Brownfield	Harrison	Naples	Standish
Casco	Hiram	Porter	Steep Falls
			Sweden

**TENTH DISTRICT**

**Division of Eastern York (Biddeford/Saco)**

Clerk: Kathryn L. Jones Tel. 207-283-1147 ext 226  
25 Adams St., Biddeford, ME 04005

Court days: Daily. Monday through Friday.

Arundel	Buxton	Kennebunk	Old Orchard Beach
Biddeford	Dayton	Kennebunkport	Saco
Buxton	Hollis	Lyman	

**Division of Western York (Springvale, West York)**

Clerk: Shelley A. Sawyer Tel. 207-459-1400 [shelley.sawyer@courts.maine.gov](mailto:shelley.sawyer@courts.maine.gov)  
447 Main St., Springvale, ME 04083

Court days: Daily

Acton	Cornish	Limington	Parsonsfield
Alfred	Lebanon	Newfield	Shapleigh
Berwick	Limerick	North Berwick	Waterboro

**TENTH DISTRICT (cont)**

**Division of Southern York (York, South York)**

Clerk: Doreen R. Emhoff Tel. 207-363-1230  
11 Chase's Pond Rd., York, ME 03909-5705

doreen.r.emhoff@courts.maine.gov

Court days: Call for court dates.

Eliot  
Kittery

Ogunquit  
South Berwick

Wells  
York

**ELEVENTH DISTRICT**

**Division of Southern Oxford (South Paris)**

Clerk: Tamara Rueda Tel. 207-743-8942  
26 Western Ave., South Paris, ME 04281

tamara.rueda@courts.maine.gov

Court days: Call for court dates.

Albany  
Bachelors Grant  
Buckfield  
Greenwood  
Hartford  
Hebron

Mason Pt.  
Norway  
Otisfield  
Oxford  
Paris  
South Paris

Stoneham  
Sumner  
Waterford  
Woodstock

**Division of Northern Oxford (Rumford)**

Clerk: Trudy DeSalle Tel. 207-364-7171  
Municipal Bldg., 145 Congress St., Rumford, ME 04276

trudy.desalle@maine.gov

Court days: Call for available days.

Adamstown  
Andover  
Bethel  
Bowmantown  
Byron  
Canton  
Dixfield  
Gilead  
Grafton

Hanover  
Lincoln Pt.  
Lynchtown  
Magalloway Pt.  
Mexico  
Milton Pt.  
Newry  
North Andover  
Oxbow

Parmachenee  
Peru  
Richardsontown  
Riley  
Roxbury  
Rumford  
Upper Cupsuptic  
Upton

**TWELFTH DISTRICT**

**Division of Somerset (Skowhegan)**

Clerk: Susan Furbush Tel. 207-474-9518  
47 Court St., Skowhegan 04976

susan.furbush@courts.maine.gov

Court days: Daily.

Anson  
Athens  
Bingham  
Brighton Pt.  
Cambridge  
Canaan  
Caratunk  
Carrying Place  
Concord Pt.  
Cornville  
Dennistown Pt.  
Detroit  
Embden  
Fairfield

The Forks Pt.  
Harmony  
Hartland  
Highland Pt.  
Hobbstown  
Jackman  
Long Pond Pt.  
Madison  
Mercer  
Moose River  
Moscow  
Moxie Gore  
New Portland  
Norridgewock

Palmyra  
Parlin Pond  
Pittsfield  
Pleasant Ridge Pt.  
Ripley  
Rockwood  
St. Albans  
Sandwich Academy Grant  
Seboomook  
Skowhegan  
Smithfield  
Solon  
Starks  
West Forks Pt.

Also including all unorganized territory in Somerset County.

**TWELFTH DISTRICT (cont)**

**Division of Franklin (Farmington)**

Clerk: Vicki L. Hardy Tel. 207-778-2119  
129 Main St., Farmington, ME 04938

vicki.l.hardy@courts.maine.gov

Court days: Call for court dates.

Alder Stream	Farmington	Phillips
Avon	Freeman	Rangeley
Beattie	Industry	Rangeley Pt.
Berlin	Jay	Redington
Carrabassett Valley	Kibby	Salem
Carthage	Kingfield	Sandy River Pt.
Chain of Ponds	Langtown	Seven Ponds
Chesterville	Letter D	Skinner
Coburn Gore	Lowelltown	Strong
Coplin Pt.	Madrid	Temple
Crockertown	Mt. Abraham	Washington Township
Dallas Pt.	New Sharon	Weld
Davis	New Vineyard	Wilton
Eustis	Perkins	Wyman

Also including all unorganized territory in Franklin County.

**THIRTEENTH DISTRICT**

**Division of Central Penobscot (Lincoln)**

Clerk: Sharon Webster Tel. 207-794-8512  
52 Main St., Lincoln, ME 04457

sharon.webster@maine.gov

Court days: (2) Mondays, (4) Tuesdays, (2) Fridays

Burlington	Lee	Springfield
Carroll	Lincoln	Webster Pt.
Chester	Lowell	Winn
Drew Pt.	Mattamiscontis	Woodville
Edinburg	Mattawamkeag	T 2, R-8
Enfield	Maxfield	T 2, R-9
Howland	Passadumkeag	T 3, R-1
Kingman	Prentiss	T 3, R-9
LaGrange	Seboeis Pt.	T 5, R-1
Lakeville Pt.		

**Division of Piscataquis (Dover-Foxcroft)**

Clerk: Lisa Richardson Tel. 207-564-2240  
159 E. Main St., Ste 21, Dover-Foxcroft, ME 04426

lisa.richardson@courts.maine.gov

Court days: Monday and Thursday. First & Third Tuesdays for Family Court.

Abbot	Elliottsville	North East Carry
Atkinson	Frenchtown	Orneville Pt.
Barnard	Greenville	Parkman
Beaver Cove	Guilford	Sangerville
Big Squaw Mtn.	Katahdin Iron Works	Sebec
Blanchard Pt.	Kingsbury Pt.	Shirley
Bowerbank	Kineo	Sugar Island
Brownville	Lake View Pt.	Wellington
Capens	Lily Bay	Willimantic
Chesuncook	Medford	Williamsburg
Days Academy Grant	Milo	
Dover-Foxcroft	Monson	

Also including all unorganized territory in Piscataquis County.

## THIRTEENTH DISTRICT (cont)

### Division of Northern Penobscot (Millinocket)

Clerk: Sharon Webster      Tel. 207-723-4786      sharon.webster@courts.maine.gov  
Location: 207 Penobscot Ave., Millinocket, ME04462-1430  
Mailing Address: 52 Main St., Lincoln, ME 04457

Court days: Wednesdays and Fridays.

Davidson	Indian Township	Mt. Chase Plt.
East Millinocket	Long A Twp.	Patten
Grindstone	Medway	Stacyville
Hopkins Academy Grant	Millinocket	T A, R-7

Also including all unorganized territory in Penobscot County north of Millinocket.

## Maine District Courts – Quick Reference

Androscoggin (Lewiston/Auburn) – District VIII	Oxford (Rumford) – District XI
Aroostook (Caribou) – District I	Oxford (South Paris) – District XI
Aroostook (Fort Kent) – District I	Penobscot (Bangor) – District III
Aroostook (Houlton) – District II	Penobscot (Lincoln) – District XIII
Aroostook (Madawaska) – District I	Penobscot (Millinocket) – District XIII
Aroostook (Presque Isle) – District II	Penobscot (Newport) – District III
Cumberland (Bridgton) – District IX	Piscataquis (Dover-Foxcroft)– District XIII
Cumberland (Portland) – District IX	Sagadahoc (West Bath) – District VI
Franklin (Farmington) – District XII	Somerset (Skowhegan) – District XII
Hancock (Ellsworth) – District V	Waldo (Belfast) – District V
Kennebec (Augusta) – District VII	Washington (Calais) – District IV
Kennebec (Waterville) – District VII	Washington (Machias) – District IV
Knox (Rockland) – District VI	York (Biddeford/Saco) – District X
Lincoln (Wiscasset) – District VI	York (Springvale) – District X
	York (York/South York) – District X