

CHAPTER 15

REPORTERS OF DECISIONS AND TESTIMONY

SUBCHAPTER 1

REPORTERS IN THE SUPREME AND SUPERIOR COURTS

§651. Appointment and duties; salary and expenses

(REPEALED)

SECTION HISTORY

PL 1965, c. 512, §1 (AMD). PL 1967, c. 470, §1 (AMD). P&SL 1969, c. 197, §D2 (AMD). PL 1969, c. 203 (AMD). PL 1969, c. 480 (AMD). PL 1969, c. 590, §4 (AMD). PL 1971, c. 382 (AMD). PL 1971, c. 505 (AMD). PL 1973, c. 578 (AMD). PL 1973, c. 599, §3 (AMD). PL 1973, c. 788, §7 (AMD). PL 1975, c. 383, §11 (AMD). PL 1975, c. 408, §§27,27-A (AMD). PL 1975, c. 430, §20 (AMD). PL 1977, c. 208, §1 (RPR). PL 1981, c. 647, §§2,3 (AMD). PL 1987, c. 152 (AMD). PL 1991, c. 528, §E2 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E2 (RP).

§651-A. Production of reviewable record

The Supreme Judicial Court shall prescribe rules that ensure the production of a reviewable record of proceedings before all state courts within the Judicial Department. [PL 1991, c. 528, Pt. E, §3 (NEW); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §3 (NEW).]

SECTION HISTORY

PL 1991, c. 528, §E3 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E3 (NEW).

§652. Approval and payment of reporters' expenses

(REPEALED)

SECTION HISTORY

PL 1975, c. 383, §12 (RPR). PL 1975, c. 408, §28 (RPR). PL 1975, c. 735, §13 (RP). PL 1977, c. 208, §2 (RPR). PL 1991, c. 528, §E4 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E4 (RP).

§653. Authentication of evidence

In all cases coming before the Law Court from the Supreme Judicial Court or from the Superior Court in which a copy of the evidence is required by statute, rule of court or order of the presiding justice, a certificate signed by the Official Court Reporter or a transcriber of an electronically recorded record, stating that the report furnished by the reporter or transcriber is a correct transcript of the reporter's stenographic notes or the electronically recorded record of the testimony and proceedings at the trial of the cause, is a sufficient authentication of the reporter's stenographic notes or the electronically recorded record without the signature of the presiding justice. [PL 2007, c. 539, Pt. JJ, §3 (AMD).]

SECTION HISTORY

PL 2007, c. 539, Pt. JJ, §3 (AMD).

§654. Death or disability

When in any criminal case any material part of a transcript of the evidence taken by the Official Court Reporter cannot be obtained because of that court reporter's death or disability, the justice who presided at the trial of the case shall on motion, after notice and hearing, if it is evident that the lack of such transcript prejudices the respondent in prosecuting that respondent's exceptions or appeal, set aside any verdict rendered in the case and grant a new trial at any time within one year after it was returned. [RR 2021, c. 1, Pt. B, §18 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §18 (COR).

§655. Testimony proved by certified copy of notes or transcript of former testimony

Whenever it becomes necessary in any court in the State to prove the testimony of a witness at the trial of any former case in any court in the State, the certified copy of the notes of such testimony, taken by the Official Court Reporter at the court where the witness testified, or the transcript created by a transcriber of the electronically recorded record made at the court where the witness testified, is evidence to prove the witness's testimony. [PL 2007, c. 539, Pt. JJ, §4 (AMD).]

SECTION HISTORY

PL 2007, c. 539, Pt. JJ, §4 (AMD).

§656. Stenographic reports, transcripts taxed in bill of costs

Any amount legally chargeable by Official Court Reporters for writing out their reports or for transcribers for creating transcripts from the electronically recorded records for use in civil actions and actually paid by either party whose duty it is to furnish the reports or records may be taxed in the bill of costs and allowed against the losing party, as is allowed for copies, if furnished by the clerk. [PL 2007, c. 539, Pt. JJ, §5 (AMD).]

SECTION HISTORY

PL 2007, c. 539, Pt. JJ, §5 (AMD).

SUBCHAPTER 2

REPORTER OF THE LAW COURT

§701. Appointment and tenure; salary

(REPEALED)

SECTION HISTORY

PL 1965, c. 391, §1 (AMD). PL 1969, c. 467, §4 (RP).

§702. Duties

The Reporter of Decisions shall prepare correct reports of all legal questions argued and decided, reporting cases more or less at large according to the reporter's judgment of their importance. The reporter shall publish periodic advance sheets and at least one volume of Maine Reports yearly. The reporter shall, subject to the approval of the Chief Justice of the Supreme Judicial Court, make a written contract in the name of the State with any person, firm or corporation for the printing, publishing and binding of those reports. The price of each volume and the advance sheets must be stated in the contract. The reporter may require the person, firm or corporation with whom the reporter contracts to give a good and sufficient bond with good and sufficient sureties, conditioned for the faithful performance of all the terms and conditions of that contract by the person, firm or corporation with whom the reporter contracts. In case of a breach of any or all of the conditions of the bond, the reporter may maintain an

action on the bond in the name of the State. In the exercise of any discretionary powers vested in the reporter by this section or by section 57, the Reporter of Decisions shall act in accordance with such instructions or advice received from the Chief Justice of the Supreme Judicial Court. [PL 2019, c. 475, §48 (AMD).]

All copies of the Maine Reports purchased by the State must be delivered to the State Law Librarian for distribution as provided in Title 3, section 173, subsection 3, paragraph B. [PL 2019, c. 475, §48 (AMD).]

SECTION HISTORY

PL 1965, c. 459, §1 (AMD). PL 1973, c. 788, §8 (AMD). PL 2019, c. 475, §48 (AMD).

§703. Copyright of reports

(REPEALED)

SECTION HISTORY

PL 1965, c. 459, §2 (RP).

§704. Reimbursement for expenses

(REPEALED)

SECTION HISTORY

PL 1969, c. 467, §4 (RP).

SUBCHAPTER 3

REPORTERS AND TRANSCRIPTS IN PROBATE COURT

§751. Duties of reporters

The judge of any court of probate or court of insolvency may appoint a reporter to report the proceedings at any hearing or examination in that judge's court, whenever that judge considers it necessary or advisable. Such reporter must be sworn to a faithful discharge of that reporter's duty and, under the direction of the judge, shall take full notes of all oral testimony at such hearing or examination and such other proceedings at such hearing or examination as the judge directs; and when required by the judge shall furnish for the files of the court a correct typewritten transcript of that reporter's notes of the oral testimony of any person testifying at such hearing or submitting to such examination, and in making that transcript the reporter shall transcribe that reporter's notes in full by questions and answers. [RR 2021, c. 1, Pt. B, §19 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §19 (COR).

§752. Reading and signing transcript of testimony

In cases when the person testifying or submitting to examination is required by law to sign that person's testimony or examination, the transcript made as provided in section 751 must be read to the person whose testimony or examination it is, at a time and place to be appointed by the judge, unless such person or that person's counsel in writing waives such reading. If it is found to be accurate, or if it contains errors or mistakes or alleged errors or mistakes and such errors or mistakes are either corrected or the proceedings had in relation to the same as provided, such transcript must be signed by the person whose testimony or examination it is. When the reading of a transcript is waived as provided by this section, such transcript must be considered correct. In all other cases the transcript need not be signed

but must be considered to be complete and correct without signing and has the same effect as if signed. [RR 2021, c. 1, Pt. B, §20 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §20 (COR).

§753. Copies of transcript as evidence

Whenever it becomes necessary in any court in the State to prove the testimony or examination taken as provided in sections 751 and 752, the certified copy of the transcript of such testimony or examination taken by such stenographer is evidence to prove the same.

§754. Correction of mistakes in transcript

Manifest errors or mistakes in any transcript may be corrected, under the direction of the judge, according to the facts. When an error or mistake is alleged by the party conducting the hearing or examination or by that party's counsel, or by the person testifying or submitting to examination or by that person's counsel, and those parties cannot agree whether or not there is such an error or mistake as alleged, or what correction should be made, the judge shall decide whether or not such an error or mistake exists, and may allow or disallow a correction according as the judge may find the fact. In such case the judge shall annex to the transcript a certificate signed by the judge stating the alleged error or mistake and by whom alleged, and the correction allowed or disallowed. In case such parties mutually agree that there is an error or mistake in the transcript, and in like manner agree what the correction should be, the transcript may be corrected according to such agreement, but such correction must be stated and made in the presence of the judge. Changes or alterations may not be made in any transcript except in the presence of the judge or the person appointed by the judge to take the examination. [RR 2021, c. 1, Pt. B, §21 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §21 (COR).

§755. Appointment of reporter by judge

When an examination is taken before some person appointed by the judge to take it, the judge may appoint a reporter to attend such examination for the purposes mentioned in section 751, and the duties of such reporter shall be the same as in examinations before the judge. The powers and duties of any person appointed by the judge to take an examination shall be the same at such examination as those of the judge, and the same proceedings for the correction or alteration of transcripts may be had before such person as before the judge.

§756. Transcripts deemed original papers

All transcripts made and signed as provided shall be deemed original papers.

SUBCHAPTER 4

GENERAL PROVISIONS; ETHICAL STANDARDS

§771. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2013, c. 298, §1 (NEW).]

1. Court reporter. "Court reporter" means a person who records legal proceedings by stenotype machine or other means allowed under the Maine Rules of Civil Procedure, Rule 30 and provides prompt preparation of an accurate, verbatim written transcript. "Court reporter" does not include an employee of the Judicial Branch or a person transcribing legal proceedings for the Judicial Branch.

[PL 2013, c. 298, §1 (NEW).]

2. Court reporting services. "Court reporting services" means services provided by a court reporter.

[PL 2013, c. 298, §1 (NEW).]

3. Court reporting services provider. "Court reporting services provider" means a business, entity or firm that provides or arranges for court reporting services.

[PL 2013, c. 298, §1 (NEW).]

4. Governmental entity. "Governmental entity" has the same meaning as in Title 14, section 8102, subsection 2.

[PL 2013, c. 298, §1 (NEW).]

5. Legal proceeding. "Legal proceeding" means a proceeding or series of proceedings by which a legal judgment is invoked and includes but is not limited to:

- A. A court proceeding; [PL 2013, c. 298, §1 (NEW).]
- B. A deposition; [PL 2013, c. 298, §1 (NEW).]
- C. An administrative hearing; [PL 2013, c. 298, §1 (NEW).]
- D. An arbitration hearing; [PL 2013, c. 298, §1 (NEW).]
- E. An examination under oath; and [PL 2013, c. 298, §1 (NEW).]
- F. A sworn statement. [PL 2013, c. 298, §1 (NEW).]

[PL 2013, c. 298, §1 (NEW).]

6. Party. "Party" means a party to an action that is the subject of the legal proceeding for which court reporting services are provided or sought to be provided.

[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§772. Relationship to party or proceeding; prohibition

1. Prohibition. A court reporter or a court reporting services provider may not provide court reporting services for a legal proceeding if that court reporter or the court reporting services provider:

- A. Has a contractual relationship with a party or an attorney, representative, agent or insurer of a party, other than a contract to provide court reporting, litigation and trial support services; [PL 2013, c. 298, §1 (NEW).]
- B. Engages in any prohibited actions set forth in section 773; or [PL 2013, c. 298, §1 (NEW).]
- C. Is a party. [PL 2013, c. 298, §1 (NEW).]

A court reporter may not provide court reporting services for a legal proceeding if the court reporter is a relative, employee or attorney of one of the parties or is a relative, employee or attorney of a person with a financial interest in the action or its outcome.

[PL 2013, c. 298, §1 (NEW).]

2. Reasonable effort to determine; requirement. Prior to the provision of court reporting services, a court reporter or court reporting services provider shall make reasonable efforts to determine whether the provision of court reporting services is prohibited under this subchapter.

[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§773. Prohibited actions

A court reporter or court reporting services provider may not: [PL 2013, c. 298, §1 (NEW).]

1. Contract. Enter into an oral or written contractual agreement with an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding, other than a contract to provide court reporting, litigation and trial support services;
[PL 2013, c. 298, §1 (NEW).]

2. Advantage. Give an economic or other advantage to a party or a party's attorney, representative, agent, insurer or employee without offering the advantage to all parties or fail to offer comparable services, prices or financial terms to all parties, except that different credit terms may be offered based on payment experience and creditworthiness;
[PL 2013, c. 298, §1 (NEW).]

3. Outcome-based payment. Offer or provide court reporting services if payment for those services is made contingent on the outcome of the legal proceeding, base the compensation for the court reporting services on the outcome of the legal proceeding or otherwise give the court reporter or court reporting services provider a financial interest in the action;
[PL 2013, c. 298, §1 (NEW).]

4. Restrict choice of court reporter. Enter into an agreement for court reporting services that restricts an attorney from using the court reporter or court reporting services provider of the attorney's choosing;
[PL 2013, c. 298, §1 (NEW).]

5. Allow manipulation. Allow the format, content or body of a certified transcript as submitted by the court reporter to be manipulated in a manner that increases the cost of the transcript; or
[PL 2013, c. 298, §1 (NEW).]

6. Interference with services. Enter into a contract for court reporting services that allows an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity to interfere with a court reporter's right to deal directly with all parties to a proceeding, including any provision in a contract that restricts the right of the court reporter to contract with the other parties in a legal proceeding to provide transcripts to those parties.
[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§774. Comparable treatment of parties

1. Itemized statement. At any time during or following a legal proceeding, an attorney or a party is entitled to an itemized statement of the rates and charges for all services that have been or will be provided by a court reporter or court reporting services provider that is providing court reporting services to any party to the legal proceeding.
[PL 2013, c. 298, §1 (NEW).]

2. Information to parties. A court reporter or court reporting services provider shall provide to the parties information on prices, terms and conditions of court reporting services in sufficient time prior to the commencement of the legal proceeding to allow the parties the opportunity to effectively negotiate for any changes necessary to ensure that comparable terms and conditions are made available to all parties.
[PL 2013, c. 298, §1 (NEW).]

3. Information to court. Upon request, a court reporter or court reporting services provider shall provide an itemized invoice of all rates and charges for court reporting services provided to the

administrative body, court or administrative tribunal in which the action upon which the legal proceeding is based is pending or scheduled to be heard.

[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§775. Waiver prohibited

The provisions of this subchapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable. [PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§776. Exception; governmental entities

Notwithstanding section 773, if authorized or required by law, ordinance or rule, a governmental entity may obtain court reporting services on a long-term basis through competitive bidding. [PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§777. Construction; pro bono services

Nothing in this chapter may be construed to limit the ability of a court reporting services provider to provide pro bono services to persons or parties with limited means. [PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§778. Remedies

1. Motion. A party may file a motion alleging a violation of this subchapter with the administrative body, court or administrative tribunal in which the action upon which the motion is based is pending or scheduled to be heard. A person need not commence a separate action to allege a violation of this subchapter.

[PL 2013, c. 298, §1 (NEW).]

2. Sanction. In addition to remedies that are otherwise available by law, an administrative body, court or administrative tribunal that receives a motion filed pursuant to this section and determines that a person violated this subchapter may refuse to admit the contested transcript and may bar the person from providing services in matters before that administrative body, court or administrative tribunal.

[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

§779. Application

1. Application to services. This subchapter applies to court reporting services performed in this State, whether a party appears in person or by remote means, provided by:

A. A court reporter or court reporting services provider, whether or not based in the State, in connection with a legal proceeding that is commenced or maintained in this State; or [PL 2013, c. 298, §1 (NEW).]

B. A court reporter or court reporting services provider based in this State in connection with a legal proceeding that is commenced or maintained in a foreign jurisdiction. [PL 2013, c. 298, §1 (NEW).]

[PL 2013, c. 298, §1 (NEW).]

2. Application to Judicial Branch. This subchapter does not apply to court reporting services performed by employees of the Judicial Branch or persons transcribing legal proceedings for the Judicial Branch.

[PL 2013, c. 298, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 298, §1 (NEW).

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