

An Introduction to Maine Law and Maine Practice Materials



From the Collection of the
Maine State Law and Legislative Reference Library

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Constitution

The annotated version of the current Maine Constitution is published in Volume 1 of the Maine Revised Statutes Annotated. An online version without annotations is on the official state website at <http://www.maine.gov/legis/const/> The Constitution of Maine is subject to recodification every 10 years by the Chief Justice of the Supreme Judicial Court. The last recodification was in 2013. The on-line version of the Constitution of Maine is updated as necessary by the Revisor of Statutes upon ratification of amendments to the constitution by the voters of the State.

An online version of the original 1820 Maine Constitution can be found at the Maine State Law and Legislative Reference Library's website at <http://www.maine.gov/legis/lawlib/const1820.pdf>.

Also of interest: *The Maine State Constitution* by Marshall J. Tinkle (JK2825 .T46)

Statutes

The Maine Revised Statutes Annotated is a set of hardbound volumes published by West and supplemented by annual pocket parts. In addition to statutes, the set contains the Maine Constitution, the U.S. Constitution, a history of the development of Maine laws, legislative history material for each statutory section, head notes referencing major state and federal court opinions, and other information that could be helpful to a researcher. This is the official version of the statutes and is certified by the Secretary of State.

The Maine Revised Statutes is a set of softbound volumes that West publishes annually. It does not contain annotations. When citing to current statutes in its opinions, the Maine Law Court cites to this version of the statutes.

The on-line version of the *Maine Revised Statutes* at <http://www.mainelegislature.org/legis/statutes/> is maintained and updated each fall by the Revisor of Statutes to incorporate changes made by the immediately preceding legislative session. The on-line version of the statutes contains historical references to changes made to the statutes since the last general revision of the statutes in 1964.

Session Laws

The Laws of the State of Maine is the official publication of Maine's session laws. Prior to 1881, the Legislature met every year and session laws were numbered in order. Since 1881, session laws have been numbered in order as approved, beginning with reference to the odd-numbered year in which each newly elected legislature first meets. Enactments passed in even-numbered years since 1920 are cited by reference to the preceding odd-numbered year. The Laws of the State of Maine has been in continuous publication since 1820. It is also available online through the website of the Office of the Revisor of Statutes at <http://legislature.maine.gov/ros/lom/lomdirectory.htm>.

In addition to the public laws, the Laws of the State of Maine contains legislative statistics, a directory of civil government, private and special laws, resolves, constitutional resolutions, selected memorials and joint resolutions, the State of the State Address, the State of the Judiciary Address and other selected legislative materials.

Proposed Legislation

Bills are most often identified by the Legislative Document (L.D.) number and information about Legislative Documents can be found on two different publically accessible databases both found on the Maine Legislature's website.

LawMaker:

Information on bills from the current session can be found on-line using the LawMaker database available at <http://www.mainelegislature.org/LawMakerWeb/search.asp>. For information on bills from 2001 to present, there is an advanced search version of Law Maker at <http://www.mainelegislature.org/LawMakerWeb/advancedsearch.asp>. Tips for searching using LawMaker can be found at <http://www.mainelegislature.org/LawMakerWeb/searchinghints.asp>.

Bill Tracker: Information on bills, including a text searching feature, from 1985 to present can be found on-line using the Bill Tracker database at <http://www.mainelegislature.org/legis/bills/>.

For information on bills or amendments prior to 1985, contact the Maine State Law and Legislative Reference Library at <http://www.maine.gov/legis/lawlib/>.

Legislative Record

Since 1897, proceedings and debate of the Maine State Legislature have been published in the Legislative Record. The Records for the House and Senate are prepared and distributed by the offices of the Clerk of the House and the Secretary of the Senate, respectively. These offices also periodically prepare appendixes and indexes.

The Legislative Record for the current session is accessible through the Legislature's homepage at <http://www.maine.gov/legis/homepage.htm>.

The Legislative Record for previous sessions back to 1897 can be found on the Maine State Law and Legislative Reference Library's website at <http://www.maine.gov/legis/lawlib/lldl/legisrecord.htm>.

More information about the Legislative Record Archive, including search tips can be found at <http://www.maine.gov/legis/lawlib/lldl/legisrecordfaq.htm>.

Municipal Codes

Some but not all of the municipalities in Maine have their ordinances on-line. The Maine Municipal Association maintains a list of links to ordinances and charters at <http://www.memun.org/TrainingResources/LocalGovernment/OrdinancesHomeRule.aspx>.

To find the ordinances of a municipality not on the list, contact the clerk of the municipality for information concerning ordinances. Basic information, including contact information, for all municipalities can be found on the Maine.gov Local Government Portal at <http://www.maine.gov/local/>.

Additional Legislative Material

Legislative histories on several Maine-specific topics have been prepared and are available through interlibrary loan at <http://www.maine.gov/legis/lawlib/legishy.htm>.

Several current and historical legislative publications are available at the Maine Legislative Information Office website at <http://www.maine.gov/legis/lio/publications.htm>.

Study reports, legislative committee information and narrative summaries of all bills from 1995 to present can be found at the Office of Policy and Legal Analysis website at <http://www.maine.gov/legis/opla/>

State Administrative Material

Rules and regulations adopted by Maine state administrative agencies are organized by the Secretary of State's Office and published in the *Code of Maine Rules* (C.M.R.). Rules are arranged by unique numbers which identify the department, departmental unit, and chapter. The *Code of Maine Rules* (CMR) is available on-line at <http://www.maine.gov/sos/cec/rules/rules.html>.

An annotated list of databases produced by Maine State Agencies can be found at the ALA GODORT website at <http://wikis.ala.org/godort/index.php/Maine>.

Additional information about state administrative agencies, specifically contact information, can also be found in the Maine Register by Tower Publishing (JK2830 .M34). This annual publication dates back to at least 1820.

Finally, another source of information about administrative agencies is the Maine State Government Annual Report. Copies of the current annual report can be found at <http://www.maine.gov/budget/annualreport/>. Copies of previous years (from 1975 to present) can be found in the library. (JK2835 .B87a)

Maine Specific Practice Material

Maine Administrative Procedure by John N. Ferdico (KF5402.Z99 M22)

Maine Appellate Practice by Donald G. Alexander (KF9050.Z99 M24)

Maine Attorney General's Consumer Law Guide by James A. McKenna and the Public Protection Unit (KF1610.Z99 M24)

http://www.maine.gov/ag/consumer/consumer_law_guide.shtml

Maine Civil Practice by Charles Harvey (vol. 2-3A)(KF8816.Z99 M2)

Maine Civil Remedies by Hon. Andrew M Horton and Peggy L. McGehee (KF9010.H6)

Maine Corporation Law and Practice by James B. Zimpritch (KF1384.Z99 M225)

Maine Criminal Practice by David P. Cluchey and Michael D. Seitzinger (KF9619.Z99 M215)

Maine Employer's Handbook by Lawrence C. Winger (KF3457.Z99 M225)

Maine Environmental Law Handbook by Gregory Cunningham and Jeffrey Thaler (KF3775.Z99 M252)

Maine Evidence by Peter L. Murray (KF8935.Z99 M21)

Maine Family Law Forms by Dana E. Prescott (KF535.Z99 M2)

Maine Jury Instruction Manual by Donald G. Alexander (KF8984.Z99 M22)

Maine Law Enforcement Officer's Manual / by John N. Ferdico (KF9620.Z99 M2)

Maine Probate Procedure by James E. Mitchel and Philip C. Hunt. (KF765.Z99 M2)

Maine Real Estate Law and Practice by Casper F. Cowan (vol. 1)(KF570.Z99 M212)

Maine School Law by Harry R. Pringle, Amy K. T'chao, Ann S. Chapman, editors

Trial Handbook for Maine Lawyers by Thomas B. Merritt (KF8915.Z99 M23)

Subject Specific Compilations of Maine Law

Maine Criminal Statutes prepared and indexed by John N. Ferdico (KF9220.Z99 M212)

Maine Environmental and Land Use Deskbook by Philip Aherns and the Pierce Atwood Environmental Department (KF5698.Z99 M287)

Maine Family Law by Jon D. Levy (KF535.Z99 M21)

Maine Special Education Law by Eric R. Herlan (KF4210.A25 H23)

State Legal Periodicals

The *Maine Law Review* is published semiannually by the students of the University of Maine School of Law. Previous issues of this publication can be found at <http://mainelaw.maine.edu/academics/maine-law-review/archives.html>.

The *Maine Bar Journal* (formerly the *Maine Bar Bulletin*) is published quarterly by the Maine State Bar Association. The latest edition is available at <http://www.mainebar.org/member-services/maine-bar-journal.aspx>.

The *Maine Lawyers Review* is a semimonthly independent publication which contains legal news and Maine court decision summaries.

Forms

On-line:

Forms can be found at the Judiciary's website at

http://www.courts.state.me.us/fees_forms/forms/index.shtml.

Probate court forms can be found at <http://www.maineprobate.net/forms.html>.

Some basic court forms can be found on the Pine Tree Legal Assistance website at

<http://www.ptla.org/court-forms>.

Maine Health Care Advance Directive Forms can be found at the Maine Department of Health and Human Services website at

<http://www.maine.gov/dhhs/oads/aging/resource/rit2chew.htm> .

U.S. District Court District of Maine forms can be found at

<http://www.med.uscourts.gov/forms>.

In print:

Maine Real Estate Law and Practice by Casper F. Cowan (KF570.Z99 M212)

Maine Criminal Practice by David P. Cluchey and Michael D. Seitzinger (KF9619.Z99 M215)

Maine Commercial Lending Handbook by Christopher J. Devlin and Mark K. Googins (HG3751 .D485)

Maine Probate Forms: Compilation of Recommended and Official Forms Used in Maine Probate Proceedings (KF765.Z99 M21)

Maine Probate Procedure by James E. Mitchel and Philip C. Hunt. (KF765.Z99 M2)

Maine Family Law Forms, 3rd ed.by Dana E.Prescott (KF535.Z99 M2)

Maine, New Hampshire, Rhode Island and Vermont Limited Liability Company Forms and practice manual by Michael B. Peisner (and others) (KF 1380.A65 M35)

Court Rules

There are two print versions of the Maine state court rules.

The official version is available from Tower Publishing while an annotated version is available from West.

Maine State Court Rules can be found on the Judiciary's website at http://www.courts.state.me.us/rules_adminorders/rules/index.shtml.

U.S. District Court District of Maine Rules can be found at <http://www.med.uscourts.gov/nodeblock/rules-opinions>.

State Cases

Superior Court:

In print:

Garbrecht Law Library at the University of Maine School of Law has the Maine Superior Court decisions in hardcopy from 1979 to date, with an index.

On-line:

Maine Superior Court cases can be found online at the University of Maine School of Law Garbrecht Law Library website at

<http://webapp.usm.maine.edu/SuperiorCourt/>.

The same cases can be found by county and by judge at

http://webapp.usm.maine.edu/SuperiorCourt/county_judge_list.jsp.

Maine Superior Court orders and/or decisions are also posted on the Maine Judiciary's website at the request of the Court at

http://www.courts.state.me.us/opinions_orders/superior/index.shtml.

Supreme Court:

In print:

The opinions of the Maine Supreme Judicial Court sitting as the Law Court were published in the Maine Reports from 1820 to 1965. Beginning January 1, 1966, an order designated the *Atlantic Reporter* the official publication of the opinions and decisions of the Supreme Judicial Court of Maine. Subsequent orders have specified Memorandum Decisions and Summary Orders are not to be published in the Atlantic Reporter. From 1966 to present West's Maine Reporter includes the Maine cases published in *Atlantic Reporter* (omitting cases from other states) with the pagination and citation style of the regional reporter.

On-line:

Recent Maine Supreme Judicial Court decisions (1997 to present) can be found on the Judiciary's website at

http://www.courts.state.me.us/opinions_orders/supreme/index.shtml

Memorandum Decisions and Summary Orders are not published in the Maine Reporter but from 1997 to present can be found on the website of the Nathan and Henry B. Cleaves Law Library at <http://www.cleaves.org/slip.htm>.

District Court:

There are no District Court decisions on-line at this time. Decisions can be obtained by contacting the Clerks of the District Courts at

http://www.courts.state.me.us/maine_courts/district/directory.shtml.

Judicial Records:

Some Judicial Records are available through the Maine State Archives. For more information, see <http://www.maine.gov/sos/arc/research/judicial.html>.

State Digest

West's Maine Digest contains all headnotes for Maine state and federal court decisions reported from 1820 to present.

Federal Depository Libraries in Maine

A list of Federal Depository Libraries in Maine can be found at
<http://www.fdlp.gov/about-the-fdlp/federal-depository-libraries>

Bar Associations

Maine State Bar Association:

<http://www.mainebar.org/>

York Bar Association:

<http://www.yorkbarassociation.com/>

Knox County Bar Association:

<http://www.knoxbar.net/>

Cumberland Bar Association:

<http://cumberlandbar.org/>

Maine Association of Criminal Defense Lawyers:

<http://www.mainemacdl.org/>

Maine Trial Lawyers Association:

<https://www.mtla.org/ME/>

Also available in the library in print is the *Bar Directory of Maine* (KF192.M3 B29)

Legal Aid Resources in Maine

A list of Legal Aid Resources in Maine is maintained on the Judiciary's website and can be found at http://www.courts.state.me.us/citizen_help/lawyers_legal_help.html

Pro Se Litigants

The State of Maine Judicial branch has a website about Representing Yourself at http://www.courts.state.me.us/citizen_help/represent_self.html.

A document titled “Information For Pro Se Parties” can be found on the U.S. District Court District of Maine’s website at http://www.med.uscourts.gov/pdf/PRO_SE_INFORMATION_HANDOUT.pdf.

A Guide to Small Claims Proceedings in the Maine District Court (KF8769.Z99 M2) by Administrative Office of the Courts can be found online at http://www.courts.state.me.us/maine_courts/small_claims/smallclaimsguide/SmClms040312.pdf

A Citizen’s Guide to Appeals by Administrative Office of the Courts can be found online at http://www.courts.maine.gov/maine_courts/supreme/appeals.html

Do Your Divorce Right: Straight Talk from Family Law Judges by Andrew Horton and John David Kennedy (KF535.Z9 H67)

Frequently Asked Questions

The Maine State Law and Legislative Reference Library maintains a website of frequently asked questions about Maine's law titled "What's Maine's Law On...?" which can be found at <http://www.maine.gov/legis/lawlib/whatis.htm>

In addition, the library has compiled a list of FAQ webpages from various Maine government agencies about law, the legal process, or legal interpretation of agency policy at <http://www.maine.gov/legis/lawlib/faqs.htm>.