

**STATE OF MAINE JUDICIAL BRANCH  
PANDEMIC MANAGEMENT ORDER**

Order Issued March 30, 2020  
(revised May 13, 2020)  
(revised May 20, 2020)  
(revised June 4, 2020)  
(revised December 14, 2020)  
(revised March 30, 2023)

**Pandemic Management Order from the Maine Supreme Judicial Court  
Consolidating, Ratifying, and Superseding the Previous Orders  
Concerning**

- A. The Administration of Oaths at Depositions,**
- B. The Electronic Filing of Motions Directly Bearing on a Criminal Defendant's Liberty Interests [rescinded],**
- C. Unexpired Deadlines in Trial Court Cases [rescinded],**
- D. Unexpired Deadlines Relating to Law Court Appeal [rescinded],**
- E. Face-to-Face or In-Person Contacts with Children and Families [rescinded],**
- F. Oral Depositions in Civil Cases, and**
- G. Electronic Signatures**

Since March 13, 2020, in light of public health concerns arising from the novel coronavirus (COVID-19), Maine's Judicial Branch issued a number of Emergency Orders in order to adhere to the guidance provided by the Maine and United States Centers for Disease Control and in order to comply with the Governor's Executive Orders. This Order consolidated some of those Emergency Orders into one document and clarifies, corrects, and ratifies those orders.

Provisions previously provided as subdivisions (B) through (E) of this Order are now rescinded. Those provisions had authorized email filing of certain motions directly bearing on a defendant's liberty interests, established termination dates for certain extended deadlines, and required that any contact or interviews required or permitted in Title 18-C, Title 19-A, and Title 22 proceedings must include contact by video or telephone.

**PMO-SJC-2(A). EMERGENCY ORDER FOR THE ADMINISTERING OF OATHS AT DEPOSITIONS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT**

In light of the public health concerns arising from the novel coronavirus (COVID-19), until further order of the Court, the Supreme Judicial Court, pursuant to its rulemaking authority, issues the following ORDER:

1. By rule, courts have authority to appoint the person before whom a deposition shall be taken. *See* M.R. Civ. P. 28(a). “A person so appointed has power to administer oaths and take testimony.” M.R. Civ. P. 28(a).
2. Until further order of this Court, at any deposition taken pursuant to the Maine Rules of Civil Procedure, including, without limitation, M.R. Civ. P. 27, 28(a), 29, 30, 31, 32(d)(3)(B), or pursuant to an order of court, an officer or other person before whom a deposition is to be taken is hereby authorized to administer oaths and take testimony remotely, so long as that officer or other person can both see and hear the deponent via audio-video communication equipment or technology for purposes of positively identifying the deponent.
3. This order is intended to avoid a situation in which the officer or other person before whom the deposition is to be taken is actually or impliedly precluded, by statute, rule, or otherwise, from administering oaths and taking testimony if not in the presence of the deponent. This order does not in any way address or decide whether notaries public are precluded by statute from administering an oath or affirmation if the deponent is not in their presence. *See* 4 M.R.S. § 1013. As a result of this order, however, any officer or other person before whom a deposition may be taken, including any officer or other person who also happens to be a notary, is authorized to administer oaths and take testimony without being in the presence of the deponent. Such authority arises from this order, not from any person’s status as a notary.
4. In addition, all parties are reminded that, “[u]nless the court orders otherwise, the parties may by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other

depositions, and (2) modify the procedures provided by these rules for other methods of discovery.” M.R. Civ. P. 29. If the parties so stipulate to the person before whom the deposition is to be taken, that person has the authority to administer oaths. *See* M.R. Civ. P. 28(a), 29.

**PMO-SJC-2(B).** [Rescinded by PPMO-SJC 1(I)]

**PMO-SJC-2(C).** [Rescinded by PPMO-SJC 1(I)]

**PMO-SJC-2(D).** [Rescinded by PPMO-SJC 1(I)]

**PMO-SJC-2(E).** [Rescinded by PPMO-SJC 1(I)]

**PMO-SJC-2(F). EMERGENCY ORDER REGARDING ORAL DEPOSITIONS IN CIVIL CASES**

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, and until further order of the Court, the Supreme Judicial Court, pursuant to its rule-making authority, orders that depositions in civil cases shall be conducted as follows:

1. All depositions shall be conducted via remote means, i.e., in a manner that allows for the deponent, all other persons entitled to attend (including the parties, counsel for the parties, counsel for the deponent), and all other necessary persons (e.g., a court reporter) to participate in the deposition without attending in person, unless all persons referenced in this paragraph agree to conduct the deposition in person. *See* M.R. Civ. P. 43 & Advisory Notes.
2. A remote deposition may be conducted by a video-conferencing platform, or by any other means agreed to by the parties. In addition to any other requirements set out in the applicable rules, all notices of remote depositions shall specify the video-conferencing platform or other means of conducting and recording that will be used for the deposition.
3. As provided in PMO-SJC-2(A), at any deposition taken pursuant to the Maine Rules of Civil Procedure or pursuant to an order of court, an officer or other person before whom a deposition is to be taken is authorized to administer oaths and take testimony remotely, so long as that officer or

other person can both see and hear the deponent via audio-video communication equipment or technology for purposes of positively identifying the deponent.

4. In order to comply with this Order, depositions may be conducted by telephone by leave of court or by written stipulation of all parties pursuant to M.R. Civ. P. 30(b)(7).
5. If a party or the party's attorney contends that there are urgent and compelling reasons that a deposition should not be conducted pursuant to the above protocol, within three days after receiving the notice of deposition, the party or counsel shall file a written motion explaining why the particular deposition must be conducted in person, and/or why counsel or others should be allowed to appear at the deposition personally along with the deponent. The motion must be served on the other party or parties. If any party objects to the motion, it must file its written opposition within three days after the motion is filed. The court will rule on the motion expeditiously, and, for purposes of this Order, "the court" includes the Panel Chair in medical malpractice screening cases.
6. The desire of counsel, a party, or a deponent to appear in person shall not, on its own, constitute sufficient grounds to object to or quash a notice for a remote deposition, or to refuse to make a witness available for a remote deposition. An objection or motion to quash a remote deposition based solely on the desire of counsel, a party, or a deponent to appear in person shall not stay the deposition.

**PMO-SJC-2(G). EMERGENCY ORDER REGARDING ELECTRONIC SIGNATURES**

In light of the public health concerns arising from the novel coronavirus (COVID-19), until further order of the Court, the Supreme Judicial Court, pursuant to its rulemaking authority, issues the following ORDER:

1. In all courts and case types, whenever an attorney or party is required to sign a document to be served on another party or filed with the court, the attorney or party may electronically sign the document, unless the trial court or this Court specifically orders otherwise.

2. An electronic signature can take the form of either a “facsimile signature,” defined as a captured image incorporated into the document, or a “typographical signature,” defined as a signature block with the name of the signatory typed on the signature line preceded by “/s/”.
3. Such electronic signature shall have the same force and effect as if the attorney or party had affixed the attorney’s or party’s original signature to a paper copy of the document so signed.
4. The document including the electronic signature must also include the following information:
  - a. Printed name;
  - b. Address;
  - c. Telephone number; and
  - d. Email address.

Attorneys shall also include the following information:

- e. Law firm; and
  - f. Maine Bar number.
5. If a party has a good-faith basis to believe that an electronic signature was not authorized by the attorney, the party challenging the authenticity of the electronic signature may file a motion with the court. If the court deems that the motion has merit, the court may strike the challenged document, direct that the challenged document be served or filed again with an original handwritten signature, or impose any other requirement it deems necessary.

Dated: March 30, 2023

For the Court:

\_\_\_\_\_/s/\_\_\_\_\_  
Valerie Stanfill  
Chief Justice