

RULE 86. EFFECTIVE DATE

(a) Effective Date of Original Rules. These rules took effect on December 1, 1959. They govern all proceedings in actions brought after they took effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the rules took effect would not be feasible or would work injustice, in which event the former procedure applies.

(b) Abrogation of Maine District Court Civil Rules. The Maine District Court Civil Rules were abrogated effective July 1, 1987, and these rules have been amended to govern actions brought in the District Court after that date and also all further proceedings in actions then pending, except as provided in subdivision (c) of this rule.

(c) Effective Date of Amendments. Amendments to these rules will take effect on the day specified in the order adopting them. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when they take effect would not be feasible or would work injustice, in which event the former procedure applies.

Advisory Committee's Note February 7, 1968

Subdivision (b) is added to Rule 86 in order to specify in general terms the extent to which amendments to the rules apply to pending cases. The original rule, which becomes subdivision (a), applied by its terms only to the situation existing on December 1, 1959, and so could at best be applied only by analogy to amendments. The new subdivision makes amendments govern procedure in pending cases to the same extent the original rules governed cases pending on the date when they went into effect.

Rule 86(b) will be generally applicable to all future amendments and appears clearly preferable to the federal practice of either amending F.R.C.P. 86 each time or specifying in the promulgating order the effect of each body of amendments on pending cases. See B & H [Barron & Holtzff] § 1741.

Although the rule is silent on the matter, it would seem that the Supreme Judicial Court could in promulgating particular amendments in the future vary the

provisions of Rule 86(b). This it could do either in its promulgating order or by an amendment of Rule 86. It is doubtful that occasion for such variation would often or ever arise.

Reporter's Notes
December 1, 1959

This rule is taken from Federal Rule 86. The second sentence is important. There are bound to be difficulties in the changeover, and the "except" clause gives a broad discretionary power to mold the new procedure to pending actions.