

THE RULE

RULE 80K. LAND USE VIOLATIONS

(a) **Applicability.** Except as otherwise provided in this rule, these rules shall apply to proceedings in the District Court involving alleged violations of land use laws and ordinances, whether administered and enforced primarily at the state or the local level, including but not limited to, those statutes, ordinances, codes, rules and regulations set forth in 4 M.R.S.A. § 152(6).

(b) Commencement of Proceeding; Service.

(1) *In General.* A proceeding under the rule shall be commenced by one of the following methods”

- (A) A Land Use Citation and Complaint may be filled out in the manner prescribed in paragraph (1) of subdivision (c) of this rule and served upon the alleged violator within the state by any certified municipal official, any certified employee of the Department of Environmental Protection, or any other official authorized to serve civil process to enforce a statute, ordinance, code, rule or regulation to which this rule applies, if such official has reasonable grounds to believe that a violation of any provision of law as to which the official is authorized to serve process and to which the rule applies has been or is being committed. Service under this subparagraph shall be made upon an individual by delivering a copy of the Land Use Citation and Complaint to the individual personally and, if the alleged violator is an infant or incompetent person, personally to the appropriate individual specified in Rule 4(d)(2) or (3) of these rules. Service under this subparagraph shall be made upon any other entity by delivering a copy of the citation personally to one of the appropriate individuals specified in Rule 4(d) (4)-(14) of these rules.
- (B) A Land Use Citation and Complaint may be filled out in the manner prescribed in paragraph (1) of subdivision (c) of this rule by any public official who has reasonable grounds to believe that a violation of any provision of law that the official is authorized to enforce and to which this rule applies has been or is being committed. The complainant shall transmit the Land Use Citation and Complaint to any officer or person authorized to serve civil process under Rule 4(c) of these rules, who may serve it, or cause it to be served, upon the alleged violator by any method provided in Rule 4(d),(e),(f),(g), or (j) of these rules.
- (C) In any proceeding under this rule in which a temporary restraining order is sought, the original of a Land Use Citation and Complaint, filled out as prescribed in paragraph (2) of subdivision (c) of this rule may be filed with the court by any person authorized under subdivision (h) of this rule to represent the plaintiff, or by the plaintiff’s attorney, if such person has reasonable grounds to believe that a violation of any provision of law as to which the person has such authority is being committed and that immediate and irreparable

injury, loss, or damage will result from such violation before the alleged violator can be heard personally or by counsel in opposition to the order. The person filing the Land Use Citation and Complaint shall, at the earliest opportunity, serve, or cause to be served, a copy of it on the alleged violator by any method provide in subparagraph (A) or (B) of this paragraph, together with notice of the hearing on the preliminary injunction.

- (2) *Additional Service on Property Owner.* When the alleged violator is not the owner of the property on which the violation is alleged to have occurred or is occurring, the person making service on the alleged violator shall serve, or cause to be served, a copy of the Land Use Citation and Complaint upon the owner of the property by any appropriate method provided in Rule 4 of these rules.
- (3) *Return of Service.* As soon as practicable after service upon the alleged land use violator, and the property owner if appropriate, the person making service shall cause the original of the Land Use Citation and Complaint to be filed with the court, together with the appropriate proof of service as provided in Rule 4(h) or (j) of these rules.
- (4) *Proceedings in Name of Municipality or State.* All proceedings arising under the provisions of locally administered and enforced laws and ordinances or regulations shall be brought in the name and to the use of the municipality. All proceedings arising under laws administered or enforced by the State shall be brought in the name of the State.

(c) Content of Land Use Citation and Complaint.

- (1) A Land Use Citation and Complaint that is to be served as provided in subparagraph (1)(A) or (B) of subdivision (b) of this rule shall contain the name and address of the alleged violator; the name and address of the property owner if different; the time and place of the alleged violation or, if they are not know, the time and place at which it was first observed by the complainant; a brief description of the alleged violation; a summary of the law or ordinance provision which is alleged to have been violated, including the penalties for violation; if a preliminary injunction is sought, a statement to that effect; the time, date, and place the alleged violator is to appear in court; where applicable, a statement that the alleged violator was advised of the violation; the signature and title of the complainant; and the signature of the alleged violator acknowledging receipt of the citation and complaint or a statement that the alleged violator refused to sign, or was unable to sign. If the violation alleged is of a state agency rule or a municipal ordinance or regulation, an attested or certified copy of the section or sections alleged to have been violated, together with a statement describing the place where the complete text may be obtained, shall be attached to the original of the Land Use Citation and Complaint. The Land Use Citation and Complaint shall notify the alleged violator that in the event of failure to appear on the date specified, a judgment by default may be entered.

- (2) A Land Use Citation and Complaint that is to be filed with the court as provided in subparagraph (1)(C) of subdivision (b) of this rule shall contain the matters provided in paragraph (1) of this subdivision and a statement that a temporary restraining order is sought. It shall be accompanied by the affidavit and the certificate required by Rule 65(a) of these rules.

No other summons, complaint, or pleading shall be required of the municipality or the State, but motions for appropriate amendment of the Land Use Citation and Complaint shall be freely granted.

- (d) **Temporary Restraining Order and Preliminary Injunction: Security.** The applicant for a temporary restraining order or a preliminary injunction under this rule shall not be required to give security as a condition upon the issuance thereof.
- (e) **Pleadings of Defendant.**
- (1) *Oral.* The alleged violator shall appear at the time and place specified, either personally or by counsel, and shall answer to the complaint orally.
- (2) *No Joinder.* Proceedings pursuant to this rule shall not be joined with any action other than another proceeding pursuant to this rule, nor shall an alleged violator file a counterclaim or cross-claim.
- (f) **Venue.** A land use violation proceeding under this rule shall be brought in the division in which the violation is alleged to have been committed.
- (g) **Discovery.** Discovery shall be had only by agreement of the parties or by order of the court on motion for good cause shown.
- (h) **Authority of Complainant.** A person who is not an attorney may represent a municipality under 12 M.R.S.A. § 4812-C(2), 30-A M.R.S.A. § 4221 (2), or 30-A M.R.S.A. § 4452 (1), or the State under 38 M.R.S.A. § 342(7), if the person files when the court with first appearing a written authorization from the municipal officers or the Commissioner of the Department of Environmental Protection, as appropriate, and a current certificate of familiarity with court procedures awarded under a program established by the Commissioner of Human Services as provided in 30-A M.R.S.A § 4221 (2).
- (i) **Standard of Proof.** Adjudication of an alleged land use violation shall be by a preponderance of the evidence.
- (j) **Appeal.** A party entitled to appeal may do so as in other civil actions.

STATUTES

Title 30A M.R.S.A. § 4451. Training and certification for code enforcement officers

1. Certification required; exceptions. Beginning January 1, 1993, a municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the office, except that:

- A. An individual other than an individual appointed as a plumbing inspector has 12 months after beginning employment to be trained and certified as provided in this section;
- B. Whether or not any extension is available under paragraph A, the office may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual; and
- C. An individual may be temporarily authorized in writing by the Department of Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months.

A person employed by a municipality or municipalities as a code enforcement officer for at least 3 years prior to January 1, 1990 is deemed certified under this section and, 5 years after the effective date of this paragraph, is subject to the recertification requirements of subsection 6.

2. Penalty. Any municipality that violates this section commits a civil violation for which a forfeiture of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

2-A. Code enforcement officer; definition and duties. As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

- A. Shoreland zoning under Title 38, chapter 3, subchapter I, article 2-B;
- B. Comprehensive planning and land use under Part 2, Subpart VI-A;
- C. Internal plumbing under chapter 185, subchapter III;
- D. Subsurface wastewater disposal under chapter 185, subchapter III; and
- E. Building standards under chapter 141; chapter 185, subchapter I; and Title 25, chapters 313 and 331.

3. Training and certification of code enforcement officers. In cooperation with the Maine Technical College System, the Department of Environmental Protection and the Department of Human Services, the office shall establish a continuing education program for individuals engaged in code enforcement. This program must provide basic and advanced training in the technical and legal aspects of code enforcement necessary for certification.

4. Examination. The office shall conduct at least one examination each year to examine candidates for certification at a time and place designated by it. The office may conduct additional examinations to carry out the purposes of this subchapter.

5. Certification standards. The office shall establish by rule the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.

6. Certification; terms; revocation. The office shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates are valid for 5 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The office shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 5-year certification period.

A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:

- (1) The code enforcement officer has practiced fraud or deception;
- (2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or
- (3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

7. Other professions unaffected. This subchapter may not be construed to affect or prevent the practice of any other profession.

30A § 4452. Enforcement of land use laws and ordinances

1. Enforcement. A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building inspector, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in subsection 5, 6 or 7, may:

- A. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with the laws or ordinances set forth in subsection 5. A municipal official's entry onto property under this paragraph is not a trespass;
- B. Issue a summons to any person who violates a law or ordinance, which the official is authorized to enforce; and
- C. When specifically authorized by the municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws, which the official is authorized to enforce.

2. Liability for violations. Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the laws or ordinances set forth in subsection 5 or 6 is liable for the penalties set forth in subsection 3.

3. Civil penalties. The following provisions apply to violations of the laws and ordinances set forth in subsection 5. Except for paragraph H, monetary penalties may be assessed on a per-day basis and are civil penalties.

- A. The minimum penalty for starting construction or undertaking a land use activity without a required permit is \$100, and the maximum penalty is \$2,500.
- B. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.
- B-1. Notwithstanding paragraph B, the maximum penalty is \$5,000 for any violation of a law or an ordinance set forth in subsection 5, paragraph Q, if the violation occurs within an area zoned for resource protection.
- C. The violator may be ordered to correct or abate the violations. When the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:
 - (1) A threat or hazard to public health or safety;
 - (2) Substantial environmental damage; or
 - (3) A substantial injustice.

C-1. Notwithstanding paragraph C, for violations of the laws and ordinances set forth in subsection 5, paragraph Q, the violator shall be ordered to correct or mitigate the violation unless the correction or mitigation results in:

- (1) A threat or hazard to public health or safety;
- (2) Substantial environmental damage; or
- (3) A substantial injustice.

D. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule.

E. In setting a penalty, the court shall consider, but is not limited to, the following:

- (1) Prior violations by the same party;
- (2) The degree of environmental damage that cannot be abated or corrected;
- (3) The extent to which the violation continued following a municipal order to stop; and
- (4) The extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.

F. The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for a violation of the same law or ordinance.

G. The penalties for violations of a septage land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, chapter 13, subchapter 1, are as prescribed in Title 38, section 349.

H. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum civil penalties may be increased. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

4. Proceedings brought for benefit of municipality. All proceedings arising under locally administered laws and ordinances shall be brought in the name of the municipality. All fines resulting from those proceedings shall be paid to the municipality.

5. Application. This section applies to the enforcement of land use laws and ordinances or rules which are administered and enforced primarily at the local level, including:

- A. The plumbing and subsurface waste water disposal rules adopted by the Department of Human Services under Title 22, section 42, including the land area of the State which is subject to the jurisdiction of the Maine Land Use Regulation Commission;
- B. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648;
- C. Local ordinances adopted pursuant to Title 22, section 2642;
- D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263;
- E. Laws pertaining to fire prevention and protection, which require enforcement by local officers pursuant to Title 25, chapter 313;
- F. Laws pertaining to the construction of public buildings for the physically disabled pursuant to Title 25, chapter 331;
- G. Local land use ordinances adopted pursuant to section 3001;
- H. Local building codes adopted pursuant to sections 3001 and 3007;
- I. Local housing codes adopted pursuant to sections 3001 and 3007;
- J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile recycling businesses, pursuant to chapter 183, subchapter I.
- K. Local ordinances regarding electrical installations pursuant to chapter
- L. Local ordinances regarding regulation and inspection of plumbing pursuant to chapter 185, subchapter III;
- M. Local ordinances regarding malfunctioning subsurface waste water disposal systems pursuant to section 3428;
- N. The subdivision law and local subdivision ordinances adopted pursuant to section 3001 and subdivision regulations adopted pursuant to section 4403;
- O. Local zoning ordinances adopted pursuant to section 3001 and in accordance with section 4352;

- P. Wastewater discharge licenses issued pursuant to Title 38, section 353-B;
- Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those which were state-imposed; and
- R. The laws pertaining to harbors in Title 38, chapter 1, subchapter I, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2.

6. Septage and sludge permits issued by the Department of Environmental Protection. A municipality, after notifying the Department of Environmental Protection, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the Department of Environmental Protection pursuant to Title 38, chapter 13, subchapter 1.

7. Natural resources protection laws. A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the State Planning Office under section 4453 as familiar with court procedures, may enforce the provisions of the natural resources protection laws, Title 38, chapter 3, subchapter I, article 5-A and Title 38, section 420-C, by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

30A § 4453. Certification for representation in court

The office shall establish certification standards and a program to certify familiarity with court procedures for the following individuals:

1. Code enforcement officers. Code enforcement officers as set forth in sections 4451 and 4452 and Title 38, section 441;

2. Plumbing inspectors. Plumbing inspectors as set forth in sections 4221 and 4451;

3. Department of Environmental Protection. Department of Environmental Protection employees as set forth in Title 38, section 342, subsection 7;

4. Maine Land Use Regulation Commission. Maine Land Use Regulation Commission employees as set forth in Title 12, section 685-C, subsection 9; and

5. Humane agents and state veterinarians. Humane agents and state veterinarians as set forth in Title 7, section 3909, subsection 2.

Title 4 § 152. District Court; civil jurisdiction

The District Court has jurisdiction in the following civil matters: [1999, c. 731, Pt. ZZZ, §4 (amd); §42 (aff).]

1. Jurisdiction exercised by trial justices and municipal courts. The civil jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961; [1983, c. 796, §1 (rpr).]

2. Civil actions for money damages. Original jurisdiction, concurrent with that of the Superior Court, of all civil actions when no equitable relief is demanded, except those actions for which exclusive jurisdiction is vested in the Superior Court by statute; [1999, c. 731, Pt. ZZZ, §4 (amd); §42 (aff).]

3. Civil actions to enforce liens. Original jurisdiction, concurrent with the Superior Court, of all civil actions to enforce liens under Title 10, chapter 603 and under Title 35-A, section 706, and the court shall determine the amount pursuant to Title 10, section 3258; [1999, c. 731, Pt. ZZZ, §4 (amd); §42 (aff).]

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34-B, chapter 3, subchapter 4, mental retardation certification hearings under Title 34-B, chapter 5, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted and small claims actions under Title 14, chapter 738; [RR 2001, c. 2, Pt. A, §2 (cor).]

5. Other actions. Original jurisdiction, concurrent with that of the Superior Court, of the following types of actions, and in these actions the District Court may grant equitable relief: [1999, c. 731, Pt. ZZZ, §4 (amd); §42 (aff).]

A. [1999, c. 731, Pt. ZZZ, §4 (rp); §42 (aff).]

B. Actions to quiet title to real estate under Title 14, sections 6651 to 6658; [1983, c. 796, §1 (rpr).]

C. Actions to quiet title to real estate under Title 36, section 946; [1983, c. 796, §1 (rpr).]

D. Actions for breach of implied warranty and covenant of habitability under Title 14, section 6021; [1983, c. 796, §1 (rpr).]

E. Actions to foreclose mortgages under Title 14, chapter 713, subchapter VI; [1985, c. 293, §1 (amd).]

F. Actions for restitution under Title 5, section 213; [1989, c. 392, §1 (amd).]

G. Actions for illegal evictions under Title 14, section 6014; [1989, c. 392, §1 (amd).]

H. Actions for the foreclosure of mortgages of real and personal property and for redemption of estates mortgaged; [1989, c. 392, §1 (new).]

I. Actions to compel the specific performance of written contracts and to cancel and compel the discharge of written contracts, whether under seal or otherwise, when full performance or payment has been made to the contracting party; [1989, c. 392, §1 (new).]

J. Actions for relief in cases of fraud, duress, unjust enrichment, trust, accident or mistake;

[1989, c. 392, §1 (new) .]

K. Actions concerning nuisance and waste;

[1989, c. 392, §1 (new) .]

L. Actions concerning partnership, and between partners or part owners of vessels and of other real and personal property to adjust all matters of the partnership and between the part owners, compel contribution, make final decrees and enforce their decrees by proper process in cases where all interested persons within the jurisdiction of the court are made parties;

[1989, c. 392, §1 (new) .]

M.

[1999, c. 731, Pt. ZZZ, §4 (rp); §42 (aff) .]

N. Civil actions for redelivery of goods or chattels taken or detained from the owner and secreted or withheld so that the goods or chattels cannot be replevied, and in civil actions by creditors to reach and apply in payment of a debt any property, right, title or interest, legal or equitable, of a debtor or debtors, which cannot be attached on writ or taken on execution in a civil action, and any property or interest conveyed in fraud of creditors;

[1989, c. 392, §1 (new) .]

O. Actions in which the pleading demands a judgment:

(1) To exclude a person from a vested or contingent interest in or lien upon specific property within the State;

(2) That a vested or contingent interest in or lien upon specific property within the State be enforced;

(2-A) That real property be partitioned by sale; or

(3) Otherwise affecting title to any real property;

[1999, c. 547, Pt. A, §1 (amd) .]

P. Actions to compel the compliance with court orders including the right to appoint persons to sign instruments as provided for in the Maine Rules of Civil Procedure;

[1989, c. 392, §1 (new); c. 919, §§1, 18 (amd) .]

Q. Actions in which the equitable relief is sought through an equitable defense, a counterclaim, a cross-claim or other responsive pleading or reply permitted by the Maine Rules of Civil Procedure; and

[1989, c. 392, §1 (new); c. 919, §§1, 18 (amd) .]

R. Actions to enforce access to health care under Title 22, section 1715.

[1989, c. 919, §§2, 18 (new) .]

Nothing in this subsection may be construed to affect the right of any party to remove an action to the Superior Court in accordance with the Maine Rules of Civil Procedure; [1999, c. 731, Pt. ZZZ, §4 (amd); §42 (aff) .]

6. Environmental laws. [1989, c. 878, Pt. A, §6 (rp); 1993, c. 349, §3 (amd) .]

6-A. Environmental laws. Original jurisdiction, concurrent with that of the Superior Court, to grant equitable relief and impose penalties in proceedings involving alleged violations of a local environmental ordinance or regulation or a state environmental law or rule, including, but not limited to, the following: [2005, c. 240, §§1-3 (amd) .]

- A. The laws pertaining to the Maine Land Use Regulation Commission, Title 12, chapter 206-A;
[1989, c. 878, Pt. A, §7 (new).]
- B. The minimum lot size law, Title 12, sections 4807 to 4807-G;
[1989, c. 878, Pt. A, §7 (new).]
- C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 38, sections 435 to 446 and section 449;
[1991, c. 377, §1 (amd).]
- D. The plumbing and subsurface waste water disposal rules adopted by the Department of Health and Human Services under Title 22, section 42;
[1989, c. 878, Pt. A, §7 (new); 2003, c. 689, Pt. B, §6 (rev).]
- E. Laws pertaining to public water supplies, Title 22, chapter 601, subchapter IV;
[1999, c. 731, Pt. ZZZ, §4 (amd); §42 (aff).]
- F. Local ordinances enacted under Title 22, section 2642, and in accordance with Title 30-A, section 3001;
[1989, c. 878, Pt. A, §7 (new).]
- G. Local land use ordinances enacted under Title 30-A, section 3001;
[1989, c. 878, Pt. A, §7 (new).]
- H. Local building codes adopted pursuant to Title 30-A, section 3001, and in accordance with Title 30-A, chapter 185, subchapter I;
[1989, c. 878, Pt. A, §7 (new).]
- I. Automobile junkyards, Title 30-A, chapter 183, subchapter I;
[1989, c. 878, Pt. A, §7 (new).]
- J. Regulation and inspection of plumbing, Title 30-A, chapter 185, subchapter III;
[1989, c. 878, Pt. A, §7 (new).]
- K. Malfunctioning domestic waste water disposal units, Title 30-A, section 3428;
[1989, c. 878, Pt. A, §7 (new).]
- L. The subdivision law, Title 30-A, chapter 187, subchapter IV; local subdivision ordinances enacted under Title 30-A, section 3001; and subdivision regulations adopted under Title 30-A, section 4403;
[1989, c. 878, Pt. A, §7 (new).]
- M. Local zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 30-A, section 4352;
[1989, c. 878, Pt. A, §7 (new).]
- N. All laws administered by the Department of Environmental Protection, Title 38, chapters 2 to 16;
[1989, c. 878, Pt. A, §7 (new).]
- O. Local ordinances regarding air pollution control enacted pursuant to Title 38, section 597;
[2005, c. 240, §1 (amd).]
- P. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1; local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and [2005, c. 240, §2 (amd).]

Q. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules;

[2005, c. 240, §3 (new).]

7. Air quality laws. [1989, c. 311, §2 (rp).]

8. Consent to minor's abortion. Original jurisdiction, concurrent with that of the Probate Court, to grant equitable relief in proceedings brought under Title 22, section 1597-A; [1999, c. 547, Pt. B, §5 (amd); §80 (aff).]

9. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 8, section 279-B; Title 10, section 8003, subsection 5; Title 20-A, sections 10712 and 10713; Title 29-A; Title 32, chapters 2-B, 114 and 135; and Title 35-A, section 3132, exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by the agency. The District Court has original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The District Court has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules. [2005, c. 65, Pt. C, §1 (amd).]

Notwithstanding any other provisions of law, a licensing agency may not reinstate or otherwise affect a license suspended, revoked or modified by the District Court pursuant to a complaint filed by the Attorney General without the approval of the Attorney General; [2005, c. 65, Pt. C, §1 (amd).]

10. Appellate jurisdiction. Exclusive jurisdiction to review disciplinary decisions of occupational licensing boards and commissions taken pursuant to Title 10, section 8003. Title 5, chapter 375, subchapter VII governs this procedure as far as applicable, substituting "District Court" for "Superior Court"; [1999, c. 731, Pt. ZZZ, §4 (amd); §42 (aff).]

11. Actions for divorce, separation or annulment. Original jurisdiction, not concurrent with the Superior Court, of actions for divorce, annulment of marriage or judicial separation and proceedings under Title 19-A, except as otherwise specifically provided. [1999, c. 731, Pt. ZZZ, §4 (new); §42 (aff).]

Actions for divorce, annulment or separation pending in the Superior Court may be transferred, upon agreement of the parties, from the Superior Court to the District Court in accordance with rules adopted by the Supreme Judicial Court. An action so transferred remains in the District Court, which has exclusive jurisdiction thereafter, subject to the rights of appeal to the Law Court as to matters of law; [1999, c. 731, Pt. ZZZ, §4 (new); §42 (aff).]

12. Property matters between spouses. Original jurisdiction, not concurrent with the Superior Court, of actions to hear and determine property matters between spouses as provided in Title 19-A, section 806 and to make all necessary orders and decrees relating to these matters, to issue all necessary process to enforce the orders and decrees and to cause all the orders and decrees to be enforced. This subsection does not apply to or affect actions initiated in the Superior Court before the effective date of this subsection; [1999, c. 731, Pt. ZZZ, §4 (new); §42 (aff).]

13. Desertion and nonsupport. Jurisdiction over complaints for desertion and nonsupport or nonsupport of dependents in the district where either the spouse, the dependent or the respondent resides; and [1999, c. 731, Pt. ZZZ, §4 (new); §42 (aff).]

14. Civil violations. Jurisdiction over all civil violations, as provided in Title 17-A, section 9, and traffic infractions. [1999, c. 731, Pt. ZZZ, §4 (new); §42 (aff).]

FORMS, INSTRUCTIONS & SAMPLES

NOTICE OF VIOLATION

Code Enforcement Officer
TOWN OF _____
_____, Maine

(date)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: NOTICE of Violations and ORDER to Correct Violations of the Zoning Ordinance
Property Located at _____, _____, Maine
Assessor's Map _____, Lot _____
DATE OF ISSUANCE: _____

Dear _____:

Pursuant to Section _____ of the Zoning Ordinance of the Town of _____, Maine ("Zoning Ordinance"), you are hereby notified of the following violations of the Zoning Ordinance on the above-referenced property:

1. _____

2. _____

You are hereby ORDERED to take the following actions to correct those violations:

1. _____

2. _____

Unless these violations are corrected by the dates indicated above, I will refer this matter to the municipal officers for possible commencement of legal action in the Maine District Court or the Maine Superior Court. If the Town is the prevailing party in enforcement litigation, you may be liable for the Town's attorney fees and costs plus civil penalties. Fines of up to \$2,500.00 per violation per day may be imposed.

If you wish to dispute anything in this Notice and Order, you may appeal to the _____ Board of Appeals pursuant to Section _____ of the Zoning Ordinance. Such appeal must be filed in the office of the Code Enforcement Officer at the _____ Town Hall on forms provided by the Town, together with the appropriate filing fee, within thirty (30) days after the date of issuance of this Notice and Order. Failure to appeal within thirty (30) days may deprive you of your ability to contest the contents of this Notice and Order in any subsequent proceedings. However, filing an appeal to the Board of Appeals does not relieve you of your responsibility to correct the violations or of your liability for civil penalties.

If you have any questions about what you need to do to comply with this Order, please contact me immediately,

Sincerely,

Code Enforcement Officer

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL ACTION
DOCKET NO. _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

**LAND USE CITATION
AND COMPLAINT
Pursuant to M.R.Civ.P. 80K**

THE PLAINTIFF ALLEGES:

1. Violation:

Date of Violation, or When First Observed by Complaining Official
Month _____ Day _____ Year _____ Time _____ AM/PM
Location of Violation _____
City/Town _____

2. Description of Violation:

3. Legal Basis of Complaint:

_____ Violation of State Law:
Title _____, Section _____ OR State Agency Rule # _____
Adopted by the Department of _____

_____ Violation of Municipal Ordinance or Regulation:
Title _____, Section _____, Page _____, Summary of law,
Ordinance, or regulation allegedly violated

Penalty Provision : Section _____ Page _____
Penalty Amount: _____

4. Relief Sought From Court:

- _____ Temporary Restraining Order (Attach Affidavit)
- _____ Preliminary Injunction
- _____ Permanent Injunction
- _____ Civil Penalty
- _____ Removal of Violation
- _____ Other

Dated: _____

[Insert Name of Code Enforcement Officer]
Certified Code Enforcement Officer,
[Insert Name of Town]
[Insert Mailing Address]
[Insert Town, State and Zip Code]
[Insert Telephone Number]

Citation

You are hereby summoned to appear in Maine District Court at the location, date and time indicated below to answer to the above Complaint.

In the event of your failure to appear and state your defense on the court date specified a judgment by the default may be rendered against you. You are advised to call the District Court to verify the date and time of your appearance.

- Address of Court:
- Telephone Number of Court:
- Date and Time of Hearing:

Signature of Complainant

State of Maine
County of _____, ss

DISTRICT COURT
CIVIL ACTION
DOCKET NO. _____

Dept. of Environmental Protection)
)
Plaintiff)
)
vs.)
)
_____)
(Name of Violator))
)
Defendant)

**LAND USE CITATION & COMPLAINT
Pursuant to M.R.Civ.P. 80K**

THE PLAINTIFF ALLEGES:

1. Violation:

Date of Violation, or When First Observed by Complaining Official
Month _____ Day _____ Year _____ Time _____ AM/PM
Location of Violation _____
City/Town _____

2. Description of Violation:

3. Legal Basis of Complaint:

_____ Violation of State Law:
Title _____, Section _____ OR State Agency Rule # _____
Adopted by the Department of _____

_____ Violation of Municipal Ordinance or Regulation:
Title _____, Section _____, Page _____, Summary of law,
Ordinance, or regulation allegedly violated

Penalty Provision : Section _____ Page _____
Penalty Amount: _____

4. Relief Sought From Court:

- _____ Temporary Restraining Order (Attach Affidavit)
- _____ Preliminary Injunction
- _____ Permanent Injunction
- _____ Civil Penalty
- _____ Removal of Violation
- _____ Other

Dated: _____

[Insert Name of DEP Employee]
Certified DEP Employee,
[Insert Mailing Address]
[Insert Town, State and Zip Code]
[Insert Telephone Number]

Citation

You are hereby summoned to appear in Maine District Court at the location, date and time indicated below to answer to the above Complaint.

In the event of your failure to appear and state your defense on the court date specified a judgment by the default may be rendered against you. You are advised to call the District Court to verify the date and time of your appearance.

- Address of Court:
- Telephone Number of Court:
- Date and Time of Hearing:

Signature of Complainant

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO. _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

RETURN OF SERVICE

On the _____ day of _____, 20__ I made service of the
_____ upon the _____,
(Document served) (Defendant/Property Owner) (Name)
at _____.
(Address of Place of Service)

- _____ By delivering a copy in hand.
- _____ By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resided therein; and whose name is _____
- _____ By delivering a copy to an agent authorized to receive service of process, and whose name is _____; at _____
- _____ By (describe other manner of service): _____

DATED: _____

Signature of Person Making Service

Title

State of Maine
County of _____, ss

DISTRICT COURT
CIVIL ACTION
DOCKET NO. _____

Dept. of Environmental Protection)
)
 Plaintiff)
)
 vs.)
)
 _____)
(Name of Violator))
)
 Defendant)

RETURN OF SERVICE

On the _____ day of _____, 20__ I made service of the
_____ upon the _____,
(Document served) (Defendant/Property Owner) (Name)
at _____.
(Address of Place of Service)

- _____ By delivering a copy in hand.
- _____ By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resided therein; and whose name is _____
- _____ By delivering a copy to an agent authorized to receive service of process, and whose name is _____; at _____
- _____ By (describe other manner of service):
_____.

DATED: _____

Signature of Person Making Service

Title

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

ORDER

Attorney for alleged violator _____

Authorized Representative/Attorney of Complainant _____

Admit/Deny _____

Finding _____

Other disposition: Dismissed _____ Transferred _____

Appealed _____ Continued _____

Hearing Date _____ Amount of Civil Penalty _____

Amount Paid _____

Correction or Abatement Ordered _____ Deadline _____

Failed to Appear _____ Warrant Issued _____

DATED: _____

Judge, District Court

State of Maine
County of _____, ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO. _____

Dept. of Environmental Protection)
)
Plaintiff)
)
vs.)
)
_____)
(Name of Violator))
Defendant)

ORDER

Attorney for alleged violator _____

Authorized Representative/Attorney of Complainant _____

Admit/Deny _____

Finding _____

Other disposition: Dismissed _____ Transferred _____

Appealed _____ Continued _____

Hearing Date _____ Amount of Civil Penalty _____

Amount Paid _____

Correction or Abatement Ordered _____ Deadline _____

Failed to Appear _____ Warrant Issued _____

DATED: _____

Judge, District Court

A-8-DEP

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

NOW COMES Plaintiff in the above-encaptioned matter, by through its certified Code Enforcement Officer, and moves that Motion for a Temporary Restraining Order be granted in this matter pursuant to M.R.Civ.P.65(a). As set forth in the Affidavit of the undersigned, irreparable injury, loss and damage will result if Defendant is allowed to continue cutting trees on his property in violation of the (Insert Name of Town)'s Shoreland Zoning Ordinance. The Affidavit of the undersigned further describes what efforts have been made to give Defendant notice of this Motion and the reasons supporting the claim that notice should not be required.

WHEREFORE, Plaintiff prays that its Motion for Temporary Restraining Order should be granted, together with its costs, attorneys' fees and such other relief as the court deems appropriate.

Dated: _____.

(Name of Code Enforcement Officer),
Code Enforcement Officer

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

**AFFIDAVIT IN SUPPORT OF
MOTION FOR TEMPORARY
RESTRAINING ORDER**

(Name of Code Enforcement Officer), being first duly sworn, depose and state as follows:

1. My name is (Name of Code Enforcement Officer). I am the duly appointed and certified Code Enforcement Officer and Plumbing Inspector for the (Name of Town).

2. I am also certified by the State Planning Office as being familiar with Rule 80K court procedures.

3. The matters set forth in this affidavit are based on my own personal knowledge, information or belief; and, so far as upon information and belief, I believe any such information to be true.

4. On _____, I observed the Defendant, _____, preparing to cut trees within the (Name of Town)'s Shoreland Zone.

5. Specifically, I saw him pulling out a chainsaw from his pickup truck at his residence which is located on _____ in (Name of Town).

6. I approached him and identified myself and asked him if he was aware of the requirements of (Insert Name of Town)'s Shoreland Ordinance relating to timber harvesting and that what he was preparing to do would violate the Ordinance.

7. Mr. _____ stated that he was not familiar with the Shoreland Ordinance, so I gave him a copy of the Ordinance and told him to call me at my office if he had any questions.

8. On _____, I observed (Name of Alleged Violator) cutting trees and approached him again. He stated to me that he was not doing anything wrong and demanded I leave the property.

9. I returned to his property on ____ (Date) ____ and attempted to serve him with a Land Use Citation and Complaint for the violations described above. He refused to accept service of Citation and Complaint. I told him that I would be seeking a Temporary Restraining Order preventing him from engaging in the above stated activities in the (Name of County) District Court on _____ at _____ a.m./p.m. As I left the property on _____, he began cutting trees again. I am also attaching to this Affidavit photographs which I took ____ (Date) ____ which I am prepared to offer into evidence which graphically demonstrate the irreparable nature of the harm. Without question, the cutting performed by Mr. _____ exceeds the amounts allowed by the Town's Shoreland Zoning Ordinance (cite relevant provisions of Ordinance). An attested copy of this Ordinance is attached and incorporated herewith.

10. I am fearful that unless a temporary restraining order is granted in this case that irreparable injury, loss and damage to Shoreland Zone will result.

11. It is my belief that Mr. _____ will attempt to avoid service of the Citation and Complaint in this matter and therefore, I am asking that the requirements of service of Rule 4 of the Maine Rules of Civil Procedure be waived for the purposes of the Motion for Temporary Restraining Order.

Dated: _____

(Name of Code Enforcement Officer),
Code Enforcement Officer
(Name of Town)
(Mailing Address)
(Town, State and Zip Code)
(Telephone number)

STATE OF MAINE

County of _____, ss. _____, 20__

Personally appeared the above-named (Name of Code Enforcement Officer), Code Enforcement Officer and Plumbing Inspector for the (Name of Town), and made oath to the truth of the foregoing statements based on his own personal knowledge, information or belief, and so far as upon information and belief, he believes such statements to be true.

Before me,

Notary Public
Printed Name:
Commission Expires:

**LETTER TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REQUESTING CERTIFICATION OF STATE RECORDS**

(Date)

Director
Department of Health and Human Services
Division of Health Engineering
State House Station #10
Augusta, Maine 04333

Dear Director:

As Local Enforcement Official for the Town of _____, I am preparing a court action for violation of the State of Maine (Plumbing or Subsurface Wastewater Disposal Rules).

I am requesting a copy of section of the State of Maine (Subsurface Wastewater Disposal Rules) with an attached affidavit stating that the copy is a true copy of that section of the Rules which have been duly adopted by the Department of Health and Human Services under the provisions of 22 M.R.S.A. § 42 and have been filed in the office of the Secretary of State in accordance with statutory requirements.

Trial is scheduled for ___(Date)___.

Very truly yours,

(Code Enforcement Officer's Name)

(Address)

Town of _____

Telephone No. _____

ORDINANCE CERTIFICATION

I, _____ the duly appointed Town Clerk for the Town of _____, hereby certify pursuant to 30-A M.R.S.A. § 3006 that the attached is a true and accurate copy of the _____ of the Town of _____, Maine as relates to _____ and that portion of the Zoning Map shown outlined in yellow as relates to _____ as has/have been in effect without change from _____ to the date hereof, except as amended on _____ as shown.

Dated: _____, 20__

Signature

Town Clerk

(Address)

(Telephone)

LETTER REQUESTING ELECTORNIC RECORDING

Name of Town

Address

Date

Clerk

_____ District Court

Address

**Re: Inhabitants of the (Insert Name of Town) v.(Insert Name of Alleged Violator),
Docket #**

Dear Sir/Madam:

On behalf of the Plaintiff in the above-encaptioned matter, I am writing to request that the hearing scheduled _____, 20__ pursuant to M.R.Civ.P.76(H)(a) be electronically recorded.

Please call me if you have questions regarding the above.

Very truly yours,

Code Enforcement Officer

**LETTER AUTHORIZING LOCAL OFFICIAL TO REPRESENT
MUNICIPALITY IN COURT**

Office of the Selectmen

Name of Town

Address

(Date)

Clerk of Court

_____ District Court

Address

Dear Sir or Madam:

At a duly advertised meeting of the Town of _____ Board of Selectmen held on _____, 20__, the Selectmen, in their capacity as the municipal officers of the Town of _____ voted to authorize (Code Enforcement Officer) to represent the Town of _____ in the prosecution and settlement of land use law violations pursuant to 38 M.R.S.A. § 441, 30-A M.R.S.A. § 4452 and 30-A M.R.S.A. § 3221.

(Code Enforcement Officer) is the only appointed code enforcement officer and certified local plumbing inspector for the Town of _____ and was certified by the Executive Department, State Planning Office as being familiar with 80K court procedures. Her appointment as Code Enforcement Officer expires on _____, 20__. She was certified by the State Planning Office for familiarity with court procedures on _____, 20__.

Sincerely,

(SEAL)

Selectmen

Town of _____

(Note: Cite 38 M.R.S.A. § 441 only for officials involved in Shoreland Zoning enforcement)

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

ENTRY OF APPEARANCE

NOW COMES _____, CERTIFIED Code Enforcement
Officer for the Town of _____ and enters his/her
appearance in the above captioned matter on behalf of Plaintiff, Town of
_____.

Dated: _____

(Name of Code Enforcement Officer),
Certified Code Enforcement
Officer and Building Inspector
Town of _____
_____ Street
Town, State, Zip Code
Telephone Number

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

**MOTION TO ALLOW DISCOVERY
PURSUANT TO M.R.Civ.P.80K
WITH INCORPORATED
MEMORANDUM OF LAW**

The Plaintiff, through its certified local code enforcement officer and plumbing inspector, moves that this Court enter an order permitting Plaintiff to conduct discovery pursuant to M.R.Civ.P.80K(g) for the following reasons:

1. Plaintiff believes that there is good cause for the granting of such a discovery order.
2. On _____, 20__ the Plaintiff's Code Enforcement Officer visited the Defendant at Defendant (Name of alleged violator)'s office at (street/road) in (Name of Town).
3. Plaintiff's Code Enforcement Officer requested that Defendant provide him with copies of receipts for materials purchased for the construction of illegal leachfield located at 184 Pond Road in (Name of Town), a copy of the soils analysis performed at the site, and a copy of the design sketch of the leachfield.
4. Defendant has refused to voluntarily provide the requested documents and continue to refuse to comply with Plaintiff's request.
5. Plaintiff needs the requested documents in order to know what volume of fill material was used to construct the leachfield, the exact location of the leachfield, and whether the size of the leachfield is appropriate for the soils in which the leachfield and septic system were constructed.
6. An order for discovery is necessary because Plaintiff cannot obtain the information described above from any other source.

Dated: _____

(Name of Code Enforcement Officer)
Certified Code Enforcement Officer
Town of _____, Plaintiff

NOTICE

You are hereby notified that if you fail to file an opposition to this Motion within 21 days after the filing of this Motion you will be deemed to have waived all objections to this Motion which may be granted without further notice or hearing.

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

**MOTION TO AMEND RULE 80K
LAND USE AND COMPLAINT
WITH INCORPORATED
MEMORANDUM OF LAW**

Plaintiff, by and through its certified local Code Enforcement Officer and certified Local Plumbing Inspector, moves that this Court grant an order amending the Land Use Citation and Complaint filed by Plaintiff in the above-captioned Rule 80K proceeding as follows:

1. To add a reference to § 10(26) of the (Name of Town) Shoreland Zoning Ordinance under the section of the complaint entitled “Legal Basis of Complaint: Violation of Municipal Ordinance or Regulation”: § 10(26) requires a permit from the Code Enforcement Officer for filling involving more than 10 cubic yards of material. The leachfield excavation involved 25 cubic yards of fill, according to the bill sent to the property owner, Meg A Bucks (Plaintiff’s Exhibit A).

2. To delete “(Name and number of street/road)” and replace it with “(New name and number of street/road)” on the “Notice to Property Owner.” This is necessary to correct a typographical error.

WHEREFORE, Plaintiff prays that this Court order the requested amendments pursuant to M.R.Civ.P.80K(c)(2) which states that “motions for appropriate amendment of the Land Use Citation shall be freely granted.”

Dated: _____

(Name of Code Enforcement Officer),
Code Enforcement Officer
(Address)
(Town, State and Zip Code)
(Telephone number)

NOTICE

You are hereby notified that if you fail to file an opposition to this Motion within 21 days after the filing of this Motion you will be deemed to have waived all objections to this Motion which may be granted without further notice or hearing.

(NAME OF TOWN)
(Mailing Address)
(Town, State and Zip Code)

(Date)

_____, Clerk

District Court

Address

Re: Inhabitants of the (Insert Name of Town) v. (Insert Name of Alleged Violator),
(Name of County) District Court Docket NO.#

Dear Ms. _____:

Please find enclosed for filing Plaintiff's "Motion to Amend Rule 80K Land Use Citation and Complaint with Incorporated Memorandum of Law" and Notice of Hearing form. I have served copies of these to the Defendant and the landowner. Pursuant to our telephone conversation, I have scheduled a hearing on this motion for (Insert date) at (Insert time).

Thank you.

Sincerely,

(Name of Code Enforcement Officer)
Certified Code Enforcement Officer
and Plumbing Inspector

cc: (Name of Alleged Violator)

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

**APPLICATION FOR ADMINISTRATIVE
INSPECTION WARRANT
PURSUANT TO M.R.Civ.P.80E**

I, _____, being first duly sworn, depose and say under oath as follows:

My name is _____. The facts set forth herein are true based upon my personal knowledge.

1. This is an application pursuant to M.R.Civ.P.80E for an Administrative Inspection Warrant to enter upon and inspect certain property located in the Town of _____, _____ County, Maine. The property is shown on the Town Assessor's records as Map____, Lot____. According to the Assessor's records, the owner of the property is _____ Company. I am authorized under 30-A M.R.S.A. § 4452(1)(A) and under Section _____ of the Town of _____ Zoning Ordinance to enter onto property in order to inspect for compliance with the Zoning Ordinance. The purpose of the requested inspection is to determine whether _____ Company is unlawfully extracting said _____ and gravel from the property without a permit from the Town of _____ Planning Board, as required by Section _____ of the Town of _____ Zoning Ordinance.

2. The inspection being sought is not part of a general area inspection.

3. I have probable cause to believe that there is located on the premises to be inspected a gravel extraction operation being operated without the permit required by Section _____ of the Town of _____ Zoning Ordinance. The grounds for probable cause arise from my personal observations on [list dates]. On each of those dates, although I was denied access to the interior portion of the property, I parked on the public street at the driveway entrance to the property and observed activity there for at least two hours on each of those dates. During all of the times that I was parked in that location, I observed a steady flow of large dump trucks going to and from the property. The trucks would enter the property empty and leave with full loads of sand and gravel material. Most of the trucks were marked with the name _____ Company. In

addition, at those times when there was not a truck coming or going I could hear the sounds of heavy equipment coming from the interior of the property and could observe clouds of dust which, in my experience as a Code Enforcement Officer, are often associated with digging, processing and loading sand and gravel.

4. On _____, 20____, I went to the business office of _____ Company and spoke with a Mr. _____, who identified himself as the company's President. I requested permission to inspect the property and he denied that request.

5. On _____, 20____, [at least twenty-four hours in advance of the hearing] I gave _____ Company written notice of the time and place at which I intend to present this application to the court.

Dated: _____

Code Enforcement Officer

STATE OF MAINE

County of _____, ss. _____ [Date] , 20____

Then personally appeared before me the above-named _____, in his capacity of Code Enforcement Officer for the Town of _____, and made oath that the foregoing statements are true based on his personal knowledge.

Before me,

Notary Public
Printed Name:
Commission Expires:

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

_____))
(Name of Town))
Plaintiff)
vs.)
_____))
(Name of Violator))
Defendant)

**ADMINISTRATIVE INSPECTION
WARRANT**

Application having been made before me by _____, Local Plumbing Inspector for the Municipality of the Town of _____, that he has reason to believe that on the premises known as _____, Town of _____, County of _____, State of Maine there is located certain plumbing or work or construction regulating by the Maine State Plumbing Code and other related statutes which he is authorized by 30-A M.R.S.A. § 4221 and Section ____ of the Maine State Plumbing Code, to inspect, name, _____ and as I am satisfied that there is probable cause to believe that such plumbing, work, or construction is located on the premises so described.

YOU ARE HEREBY COMMANDED to allow inspection of said premises by _____, Local Plumbing Inspector, serving this warrant and making the inspection in the daytime, for the purposes of inspecting plumbing, work, or construction to insure compliance with the Maine State Plumbing Code and related statutes.

Dated the _____ day of _____, 20_____.

District Court Judge

NOTICE OF APPLICATION FOR ADMINISTRATIVE INSPECTION WARRANT

TO:

This is to notify (Name of Alleged Violator), the owner (or occupant) of the premises known as (Address), in the Municipality of (Name of Town), County of _____, State of Maine that on the _____ day of _____, at _____ o'clock, the Local Plumbing Inspector intends to present an application for an Administrative Inspection Warrant for the inspection of the above named premises. This application shall be made before the District Court, District Number _____, Division of _____. You have the right to be present to state your opposition, if any, to the issuance of the warrant.

DATED: _____

(Name of Code Enforcement Officer),
Local Plumbing Inspector
(Name of Town)
(Mailing Address)
(Town, State and Zip Code)
(Telephone Number)

This notice was delivered in hand to _____ on the _____ day of _____, 20__, at _____ o'clock a.m./p.m.

(Name of Code Enforcement Officer),
Local Plumbing Inspector

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

(Name of Town))
Plaintiff)
vs.)

(Name of Violator))
Defendant)

**MOTION FOR FINDINGS AND
CONCLUSIONS OF LAW
UNDER M.R.Civ.P.52
WITH INCORPORATED
MEMORANDUM OF LAW**

The Plaintiff, through its certified local code enforcement officer and plumbing inspector, moves that this Court find the facts specially and state separately its conclusions of law in the above-captioned Rule 80K proceeding.

The Plaintiff also moves this Court to direct the entry of the appropriate judgment if it differs from the judgment which was entered on _____.

Plaintiff prays that this Court grant the requested relief pursuant to M.R.Civ.P.52

DATED: _____

(Name of Code Enforcement Officer)
Certified Code Enforcement Officer
and Plumbing Inspector
(Name of Town)
(Mailing Address)
(Town, State and Zip Code)
(Telephone Number)

NOTICE

You are hereby notified that if you fail to file an opposition to this Motion within 21 days after the filing of this Motion you will be deemed to have waived all objections to this Motion which may be granted without further notice or hearing.

State of Maine
County of _____ ss

DISTRICT COURT
CIVIL DOCKET
DOCKET NO _____

_____))
(Name of Town))
Plaintiff)
vs.)
_____))
(Name of Violator))
Defendant)

CONCENT ORDER

The parties have agreed to resolve the above-captioned matter by the entry of the following Stipulations and Order which has been reviewed and approved by the Court:

STIPULATIONS

1. Defendant, _____, is a resident of _____ . He resides and operates a timber business located on _____ in the Town of _____.
2. The Town of _____ Shoreland Zoning Ordinance (the "Ordinance") was adopted on _____.
3. Section 8(b) of the Ordinance requires a Shoreland Zoning permit from the Planning Board in order to expand a non-conforming use. Section 10 of the Ordinance requires a Shoreland Zoning permit from the Code Enforcement Officer to install a subsurface disposal system. Permits are required when these activities are conducted in the areas shown as the Limited Residential District on the Town's zoning map.
4. Section 3 of the Maine Subsurface Wastewater Rules as adopted by the Department of Health and Human Services, Division of Health Engineering requires a permit from the Plumbing Inspector to install a new subsurface wastewater system.
5. On or about _____, Defendant and his employees constructed an attached wooden deck on the south side of a residential structure owned by _____ located in the Town of _____. Reference is made to the deed from _____ to _____, dated _____ and recorded in the _____ County Registry of Deeds in Book _____, Page _____.
6. Defendant and his employees also constructed a new subsurface wastewater disposal system on this property on or about _____.

7. Defendant constructed the wastewater disposal system without the permit required by the above-described Wastewater Disposal Rules. The lot located at _____ is located in the Limited Residential District as shown on the Town's Shoreland Zoning Map. The lot is one-half acre and was recorded prior to the effective date of the Ordinance. The residence on this lot sets back 44' from the normal high water mark and was constructed prior to the effective date of the Ordinance. Section 11 of the Town's Ordinance currently requires a lot size of one acre and a setback of 75 feet. Therefore, the structure is a non-conforming use.

8. Defendant constructed the deck and the subsurface disposal system without the permits required by the Town Shoreland Zoning Ordinance.

9. The Town's Code Enforcement Officer provided proper notice of these violations to Defendant and the landowner _____. (Notice of the violations included a right to appeal to the Town's Board of Appeals).

10. No appeal of the Code Enforcement Officers order to correct the violation was filed.

11. In the event that all aspects of the Order set forth below are complied with by Defendant, Plaintiff agrees to release and take no further enforcement action against Defendant for the aforesaid causes of action.

It is hereby ORDERED as follows:

1. Defendant shall file applications with the Planning Board and the Plumbing Inspector for permits to construct the deck and subsurface wastewater disposal system and to pay the required application fee of \$50.00 for the Shoreland permit and \$50.00 for the disposal system. Complete application shall be filed on or before _____. The Planning Board and the Plumbing Inspector shall approve or deny the application within ten days of receipt. On or before _____, the deck and disposal system shall either be in compliance with the requirements of the Town's Shoreland Ordinance and the State's Subsurface Wastewater Disposal Rules, including acquisitions of the necessary permits or they shall be removed by Defendant;

2. Defendant shall pay the Town the sum of \$_____ by _____ as a penalty for failing to apply for the necessary permits.

The Clerk is instructed to reference this Order on the docket pursuant to M.R.Civ.P.79(a)

DATED: _____, 20____

Judge, District Court

SEEN AND AGREED

Witness

Town of _____
By: _____,
Certified Code Enforcement Officer
And Plumbing Inspector, Plaintiff

Witness

_____, Defendant

STATE OF MAINE
(Insert name of County), ss.

District Court
Civil Action Docket
Docket # _____

(INSERT NAME OF TOWN),)
)
Plaintiff)
V.)
)
INSERT NAME OF ALLEGED)
VIOLATOR),)
)
Defendant)

**NOTICE OF DISMISSAL PURSUANT
TO M.R.Civ.P. 41(a)**

Plaintiff, through its duly authorized and certified local code enforcement officer and plumbing inspector, pursuant to M.R.Civ.P. 41(b) and hereby dismisses the above encaptioned action without prejudice.

Dated: _____

(Insert name of Code Enforcement Officer),
Certified Code Enforcement Officer and
Plumbing Inspector
(Insert Name of Town)
(Insert Mailing Address)
(Insert Town, State and Zip Code)
(Insert telephone number)

7. Description of Violation/Dates Observed:

8. Violations Cited:

_____ Violation of State Law or Regulation (specify)

_____ Violation of Local Ordinance or Regulation (specify)

9. Relief Sought:

_____ TRO

_____ Preliminary Injunction

_____ Civil Penalty

_____ Removal of Violation

_____ Request Electronic Hearing

_____ Attorneys' Fees

_____ Other _____

10. Physical Evidence/Exhibits:

_____ Notice(s) of Violation

_____ Ordinances, Codes

_____ Plans, Sketches

_____ Deed

_____ Tax Map

11. List of Witnesses:

Will witnesses attend voluntarily? If not, they must be subpoenaed.

12. Request Electronic Recording

13. Post Judgment Matters:

___ Record Order at Registry

___ Request Writ of Execution for Court

___ Record Writ of Execution at registry of Deeds. Provide proper notice to Defendants.

SUMMARY OF HOW TO CONDUCT A TITLE SEARCH

To perform a title search, the “chain of title” for the property in question should be traced back at least 40 years. The first step is to determine the present owner of the property and the exact location and description through a check of the assessor’s records. The title searcher then should go to the County Registry of Deeds and search the “grantor-grantee index” under the present owner’s name. Starting with the most recent index and working back in time, the examiner should keep checking under the present owner’s name as grantee (buyer) until he or she finds the deed and date upon which the present owner acquired title to the property. After locating that information, the title searcher should trace the name of the current owner’s seller in the grantee index to determine when that person acquired it and whether his or her deed description is the same as that contained in the deed of the present owner. This process should be continued for a period going back at least 40 years prior to the date on which the current owner acquired title.

After completing that portion of the search, the title examiner then should trace the owner’s name forward in the index as “grantor” (seller) from the date of his or her deed to see if the owner has transferred title to someone else. To be absolutely sure that the owner has not sold the property, the title searcher should look at every deed where that person is listed as a grantor, even if the index says that the property is located in another town. In addition to searching the grantor-grantee index, the title examiner also should check the “Interim Index” and the “Day Book” for more recent transactions.

While the examiner is searching the grantor-grantee index, he or she should make a note of all mortgages on the property and when they are discharged, if at all. Mortgages are indexed under the owner’s name as grantor of the mortgage. The index should be examined for the period during which the present owner held the property. Since it is possible that the present owner purchased the property subject to the mortgage, the index should be searched back 40 years to be absolutely sure. After checking the “Interim Index” and “Day Book,” the examiner should look up each mortgage which has not been discharged and note the name and address of the holder.

Throughout the search, the title examiner should take note of any liens on the property which have been recorded in the various books previously mentioned.

MISCELLANEOUS COURT RULES

SECTION A-24

RULE 4. PROCESS

- (a) **Summons: Form.** The summons shall bear the signature or facsimile signature of the clerk, be under the seal of the court, contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, and the time within which these rules require the defendant to appear and defend, and shall notify the defendant that in case of failure to do so judgment by default will be rendered against the defendant for the relief demanded in the complaint.
- (b) **Same: Issuance.** The summons may be procured in blank from the clerk and shall be filled out by the plaintiff's attorney as provided in subdivision (a) of this rule. The plaintiff's attorney shall deliver to the person who is to make service the original summons upon which to make return of service and a copy of the summons and of the complaint for service upon the defendant.
- (c) **Service.** Service of the summons and complaint may be made as follows:
- (1) By mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served, together with two copies of a notice and acknowledgement form and a return envelope, postage prepaid, addressed to the sender. If no acknowledgment of service under this paragraph is received by the sender within 20 days after the date of mailing, service of the summons and complaint shall be made under paragraph (2) or (3) of this subdivision.
 - (2) By a sheriff or a deputy within the sheriff's county, or other person authorized by law, or by some person specially appointed by the court for that purpose. Special appointments to serve process shall be made freely when substantial savings in travel fees will result.
 - (3) By any other method permitted or required by this rule or by statute.
- (d) **Summons: Personal Service.** The summons and complaint shall be served together. Personal service within the state shall be made as follows:
- (1) Upon an individual other than a minor or an incompetent person, by delivering a copy of the summons and of the complaint to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given. The court, on motion, upon a showing that service as prescribed above cannot be made with due diligence, may order service to be made by leaving a copy of the summons and of the complaint at the defendant's dwelling house or usual place of abode; or to be made by publication pursuant to subdivision (g) of this rule, if the court deems publication to be more effective.

- (2) Upon a minor, by delivering a copy of the summons and of the complaint personally (a) to the minor and (b) also to the minor's guardian if the minor has one within the state, known to the plaintiff, and if not, then to the minor's father or mother or other person having the minor's care or control, or with whom the minor resides, or if service cannot be made upon any of them, then as provided by order of the court.
- (3) Upon an incompetent person, by delivering a copy of the summons and of the complaint personally (a) to the guardian of the incompetent person or a competent adult member of the incompetent person's family with whom the incompetent person resides, or if the incompetent person is living in an institution, then to the director or chief executive officer of the institution, or if service cannot be made upon any of them, then as provided by order of the court and (b) unless the court otherwise orders, also to the incompetent person.
- (4) Upon a county, by delivering a copy of the summons and of the complaint to one of the county commissioners or their clerk or the county treasurer.
- (5) Upon a town, by delivering a copy of the summons and of the complaint to the clerk or one of the selectmen or assessors.
- (6) Upon a city, by delivering a copy of the summons and of the complaint to the clerk, treasurer, or manager.
- (7) Upon the United States, by delivering a copy of the summons and of the complaint to the United States attorney for the district of Maine or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the United States District Court for the district of Maine and by sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia, and in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to such officer or agency provided that any further notice required by statute or regulation shall also be given.

Upon an officer or agency of the United States, by serving the United States and by delivering a copy of the summons and of the complaint to such officer or agency, provided at any further notice required by statute or regulation shall also be given. If the agency is a corporation the copy shall be delivered as provided in paragraph (8) or (9) of this subdivision of this rule.

Upon any other public corporation, by delivering a copy of the summons and of the complaint to any officer, director, or manager thereof and upon any public body, agency or authority by delivering a copy of the summons and the complaint to any member thereof.

- (8) Upon a domestic private corporation (a) by delivering a copy of the summons and of the complaint to any officer, director or general agent; or, if no such officer or agent be found, to any person in the actual employment of the corporation; or , if no such person be found, to the Secretary of State, provided that the plaintiff's attorney shall also send a copy of the summons and of the complaint to the corporation by registered or certified mail, addressed to the corporation's principal office as reported on its latest annual return; or (b) by delivering a copy of the summons and of the complaint to any agent or attorney in fact authorized by appointment or by statute to receive or accept service on behalf of the corporation, provided that any further notice required by the statute shall also be given.
- (9) Upon a corporation established under the laws of any other state or country (a) by delivering a copy of the summons and of the complaint to any officer, director or agent, or by leaving such copies at an office or place of business of the corporation within the state; or (b) by delivering a copy of the summons and of the complaint to any agent or attorney in fact authorized by appointment or by statute to receive or accept service on behalf of the corporation, provided that any further notice required by the statute shall also be given.
- (10) Upon a partnership subject to suit in the partnership name in any action, and upon all partners whether within or without the state in any action on a claim arising out of partnership business, (a) by delivering a copy of the summons and of the complaint to any general partner or any managing or general agent of the partnership, or by leaving such copies at an office or place of business of the partnership within the state; or (b) by delivering a copy of the summons and of the complaint to any agent, attorney in fact, or other person authorized by appointment or by statute to receive or accept service on behalf of the partnership, provided that any further notice required by the statute shall also be given.
- (11) Upon the State of Maine by delivering a copy of the summons and of the complaint to the Attorney General of the State of Maine or one of the Attorney General's deputies, either (a) personally or (b) by registered or certified mail, return receipt requested; and in any action attacking the validity of an order of an officer or agency of the State of Maine not made a party, by also sending a copy of the summons and of the complaint by ordinary mail to such officer or agency. The provisions of Rule 4(f) relating to completion of service by mail shall here apply as appropriate.
- (12) Upon an officer or agency of the State of Maine by the method prescribed by either paragraph (1) or (7) of this subdivision as appropriate, and by also sending a copy of the summons and of the complaint by ordinary mail to the Attorney General of the State of Maine.
- (13) Upon all trustees of an express trust, whether within or without the state, in any action on a claim for relief against the trust, except an action by a beneficiary in that capacity, (a) by delivering a copy of the summons and of the complaint to any trustee, or by leaving such copies at an office

or place of business of the trust within the state; or (b) by delivering a copy of the summons and of the complaint to any agent or attorney in fact authorized by appointment or by statute to receive or accept service on behalf of the trust, provided that any further notice required by the statute shall also be given.

(14) Upon another state of the United States, by the method prescribed by the law of that state for service of process upon it.

(e) Personal Service Outside State. A person who is subject to the jurisdiction of the courts of the state may be served with the summons and complaint outside the state, in the same manner as if such service were made within the state, by any person authorized to serve civil process by the laws of the place of service or by a person specially appointed to serve it. An affidavit of the person making service shall be filed with the court stating the time, manner, place of service. Such service has the same force and effect as personal service within the state.

(f) Service Mail in Certain Actions.

(1) *Outside State.* Where service cannot, with due diligence, be made personally within the state, service of the summons and complaint may be made upon a person who is subject to the jurisdiction of the courts of the state by delivery to that person outside the state by registered or certified mail, with restricted delivery and return receipt requested, in the following cases: where the pleading demands a judgment that the person to be served be excluded from a vested or contingent interest in or lien upon specific real or personal property within the state, or that such an interest or lien in favor of either party be enforced, regulated, defined or limited, or otherwise affecting the title to any property.

(2) *Divorce Cases.* Service of the summons and complaint may be made in an action under Rule 80(a) upon a person who is subject to the jurisdiction of the courts of the state by delivery to that person, whether in or outside the state, by registered or certified mail, with restricted delivery and return receipt requested.

(3) *Service Completion.* Service by registered or certified mail shall be complete when the registered or certified mail is delivered and the return receipt signed or when acceptance is refused, provided that the plaintiff shall file with the court either the return receipt or, if acceptance was refused, an affidavit that upon notice of such refusal a copy of the summons and complaint was sent to the defendant by ordinary mail.

(g) Service by Publication.

(1) *When Service May be Made.* The court, on motion upon a showing that service cannot with due diligence be made by another prescribed method, shall order service by publication in an action described in subdivision (f) of this rule, unless a statute provides another method of notice, or when the person to be served is one described in subdivision (e) of this rule.

(2) *Contents of Order.* An order for service by publication shall include (i) a brief statement of the object of the action; (ii) if the action may affect any property or credits of the defendant described in subdivision (f) of this rule, a description of any such property or credits; and (iii) the substance

of the summons prescribed by subdivision (a) of this rule. The order shall also direct its publication once a week for 3 successive weeks in a designated newspaper of general circulation in the county where the action is pending; and the order shall also direct the mailing to the defendant, if the defendant's address is known, of the order as published.

(3) *Time of Publication; When Service Complete.* The first publication of the summons shall be made within 20 days after the order is granted. Service by publication is complete on the twenty-first day after the first publication. The plaintiff shall file with the court an affidavit that publication has been made.

(h) Return of Service. The person serving the process shall make proof of service thereof on the original process or a paper attached thereto for that purpose, and shall forthwith return it to the plaintiff's attorney. The plaintiff's attorney shall, within the time during which the person served must respond to the process, file the proof of service with the court. If service is made under paragraph (c)(1) of this rule, return shall be made by the plaintiff's attorney filing with the court the acknowledgment received pursuant to that paragraph. The attorney's filing of such proof of service with the court shall constitute a representation by the attorney, subject to the obligations of Rule 11, that the copy of the complaint mailed to the person served or delivered to the officer for service was a true copy. If service is made by a person other than a sheriff or the sheriff's deputy or another person authorized by law, that person shall make proof thereof by affidavit. The officer or other person serving the process shall endorse the date of service upon the copy left with the defendant or other person. Failure to endorse the date of service shall not affect the validity of service.

(i) Amendment. At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued.

(j) Alternative Provisions for Service in a Foreign Country.

(1) *Manner.* When service is to be effected upon a party in a foreign country, it is also sufficient if service of the summons and complaint is made: (A) in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction; or (B) as directed by the foreign authority in response to a letter rogatory, when service in either case is reasonably calculated to give actual notice; or (C) upon an individual, by delivery to the individual personally, and upon a corporation or partnership or association, by delivery to an officer, a managing or general agent; or (D) by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the party to be served; or (E) as directed by order of the court. Service under (C) or (E) above may be made by any person who is not a party and is not less than 18 years of age or who is designated by order of the court or by the foreign court. On request, the clerk shall deliver the summons to the plaintiff for transmission to the person or the foreign court or officer who will make the service.

(2) *Return.* Proof of service may be made as prescribed by subdivision (h) of this rule, or by the law of the foreign country, or by order of the court. When service is made pursuant to subparagraph (1)(D) of this subdivision, proof of service shall include a receipt signed by the addressee or other evidence of delivery to the addressee satisfactory to the court.

[Amended effective February 15, 1990; February 15, 1991; February 15, 1992; February 15, 1993; May 1, 2000; January 1, 2002]

Advisory Committee's Note – 2000

In subdivision (1) and subdivision (2), the term “minor” is substituted for the term “infant”.

Advisory Committee's Note – 2002

Rule 4(f) is amended to permit service by registered or certified mail in action arising under Rule 80(a) regardless of whether the person to be served is in or outside the state. The former rule permitted such service only upon persons outside the state and only in actions for divorce or annulment. The intent of the amendment is to afford litigants, many of whom are *pro se*, an easy and inexpensive means of serving initial process.

RULE 7. PLEADINGS ALLOWED: FORM OF MOTIONS

- (a) **Pleadings.** There shall be a complaint and an answer, and a disclosure under oath, if trustee process is used; and there shall be a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim denominated as such; a third-party complaint, if a person who was not an original party is summoned under Rule 14; and there shall be a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.
- (b) **Motions and Other Papers.**
- (1) An application to the court for an order shall be by motion which, unless made during a hearing or trial or under Rule 26(g), shall be made in writing, shall state with particularity the grounds therefore and the rule or statute invoked if the motion is brought pursuant to a rule or statute, and shall set forth the relief or order sought.
 - (A) Any motion except a motion that may be heard ex parte shall include a notice that matter in opposition to the motion pursuant to subdivision (c) of this rule must be filed not later than 21 days after the filing of the motion unless another time is provided by these Rules or set by the court. The notice shall also state that failure to file timely opposition will be deemed a waiver of all objections to the motion, which may be granted without further notice or hearing. If the notice is not included in the motion, the opposing party may be heard even though matter in opposition has not been timely filed.
 - (B) In addition to the notice required to be filed by subparagraph (1)(A) of this subdivision, a motion for summary judgment served on a party shall include a notice (i) that opposition to the motion must comply with the requirements of Rule 56(h) including specific responses to each numbered statement in the moving party's statement of material facts, with citations to points in the record or in affidavits filed to support the opposition; and (ii) that not complying with Rule 56(h) in opposing the motion may result in entry of judgment without hearing.
 - (2) The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these rules.
 - (3) Any party filing a motion, except motions for enlargement of time to act under these rules, for continuance of trial or hearing, or any motion agreed to in writing by all counsel, shall file with the motion or incorporate within said motion (1) a memorandum of law which shall include citations of supporting authorities, (2) a draft order which grants the motion and specifically states the relief to be granted by the motion, and (3) unless the motion may be heard ex parte, a notice of hearing if a hearing date is

available. When a motion is supported by affidavit, the affidavit shall be served with the motion.

- (4) Any party filing a motion for enlargement of time to act under these rules or for continuance of trial or hearing, shall include in the motion a statement that (1) the motion is opposed, or (2) the motion can be presented without objection, or (3) after reasonable efforts, which shall be indicated, the position of an opposing party regarding the motion cannot be determined.
- (5) Motions for reconsideration of an order shall not be filed unless required to bring to the court's attention an error, omission or new material that could not previously have been presented. The court may in its discretion deny a motion for reconsideration without hearing and before opposition is filed.
- (6) If a motion is pursued or opposed in circumstances where the moving or opposing party does not have a reasonable basis for that party's position, the court, upon motion or its own initiative, may impose the sanctions provided by Rule 11 upon the party, the party's attorney, or both.
- (7) Except as otherwise provided by law or these rules, after the opposition is filed the court may in its discretion rule on the motion without hearing. The fact that a motion is not opposed does not assure that the requested relief will be granted.

(c) Opposition to Motions.

- (1) Any party opposing a motion that was filed prior to or simultaneously with the filing of the complaint shall file a memorandum and any supporting affidavits or other documents in opposition to the motion not later than the time for answer to the complaint, unless another time is set by the court.
 - (2) Any party opposing any other motion shall file a memorandum and any supporting affidavits or other documents in opposition to the motion not later than 21 days after the filing of the motion, unless another time is set by the court.
 - (3) A party failing to file a timely memorandum in opposition to a motion shall be deemed to have waived all objections to the motion.
- (d)** In addition to the requirements of this rule, motions for summary judgment are subject to the requirements of Rule 56.
- (e) Reply Memorandum.** Within 7 days of filing of any memorandum in opposition to a motion, or, if a hearing has been scheduled, not less than 2 days prior to the hearing, the moving party may file a reply memorandum, which shall be strictly confined to replying to new matter raised in the opposing memorandum.
- (f) Form and Length of Memoranda of Law.** All memoranda shall be typed or otherwise printed on one side of the page of 8 ½ X 11 inch paper. The typed matter must be double spaced in at least 12 point type, except that footnotes and quotations may appear in 11 point type. All pages shall be numbered. Except by prior leave of court, no memorandum of law in support of or in opposition to a nondispositive motion shall exceed 10 pages. Except by prior leave of court, no memorandum of law in support of or in opposition to a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment, or a

motion for injunctive relief shall exceed 20 pages. No reply memorandum shall exceed 7 pages.

- (g) The use of telephone or video conference calls for conferences and non-testimonial hearings is encouraged. The court on its own motion, or upon request of a party, may order conferences or non-testimonial hearings to be conducted by telephone conference calls or with the use of video conference equipment. The court shall determine the party or parties responsible for the initiation and expenses of a telephone or video conference or non-testimonial hearing.

RULE 32. USE OF DEPOSITIONS IN COURT PROCEEDINGS

- (a) **Use of Depositions.** At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any of the following provisions:
- (1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.
 - (2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated under Rule 30(b)(6) or 31(a) to testify on behalf of a public or private corporation, partnership or association or governmental agency which is a party may be used by an adverse party for any purpose.
 - (3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (A) that the witness is dead; or (B) that the witness is at a greater distance than 100 miles from the place of trial or hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (C) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment, or a conflicting commitment that could not be broken or scheduled at another time without subjecting the witness or others to legally enforceable sanctions or significant risk of physical detriment; or (D) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (E) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.
 - (4) If only part of a deposition is offered in evidence by a party, an adverse party may require the offeror to introduce any other part which ought, in fairness to be considered with the part introduced, and any party may introduce any other parts.

Substitution of parties pursuant to Rule 25 does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any State has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefore.

- (b) **Objections to Admissibility.** Subject to the provisions of Rule 28(b) and subdivision (d)(3) of this rule, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(c) Transcript. Regardless of the method by which a deposition was recorded or is to be used in court proceedings, a party using a deposition in court proceedings under this rule shall provide to the court an accurate written transcript of the deposition.

(d) Effect of Errors and Irregularities in Depositions.

- (1) *As to Notice.* All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.
- (2) *As to Disqualification of Officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.
- (3) *As to Taking of Deposition.*
 - (A) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.
 - (B) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are 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.

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.

RULE 56. SUMMARY JUDGMENT

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or crossclaim 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.

(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's 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 of Material Facts.* A party opposing a motion for summary judgment shall submit with its opposition a separate, short, and concise statement of material facts. 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). The opposing statement may contain in separately titled section additional facts, each set forth in a separately numbered paragraph 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 statement of material facts which shall be limited to any additional facts submitted by the opposing party. 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.

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.

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.

COURT PERSONNEL

SECTION A-25

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

FIRST DISTRICT

Division of Eastern Aroostook (Caribou)

Clerk: Vickie Harris Tel: 201-493-3144

County Courthouse, 144 Sweden St., Ste 104, 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@maine.gov

139 Market St., PO Box 473, Fort Kent, ME 04743

Court day: Friday

Division of Western Aroostook (Madawaska)

Clerk: Linda Cyr Tel. 207-728-4700 linda.cyr@maine.gov

645 Main St., Madawaska 04756

Court days: Fort Kent – Second & Forth Friday; Madawaska – Second and Fourth Wednesday.

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@maine.gov

27 Riverside Drive, P.O. Box 794, Presque Isle, ME 04769-0794

Court days: Wednesday, Thursday and Friday.

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: Mary Ellen Blinn Tel. 207-532-2147
26 Court St., P.O. Box 457, Houlton, ME 04730-0457
Court days: Monday and Tuesday

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

THIRD DISTRICT

Division of Southern Penobscot (Bangor)

Clerk: Susan Wells Tel. 207-941-3040 susan.wells@maine.gov
73 Hammond 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 ronda.h.nelson@maine.gov
12 Water St., Newport, ME 04953
Court Days: Up to four days per week.

Bradford	Dixmont	Levant
Carmel	Etna	Newburgh
Charleston	Exeter	Newport

Corinna	Garland	Plymouth
Corinth	Hudson	Stetson
Dexter	Kenduskeag	

FOURTH DISTRICT

Division of Northern Washington (Calais)

Clerk: Karen K. Moraisey Tel 207-454-2055 karen.moraisey@maine.gov

382 South St. Ste. B, P.O. Box 929, Calais, ME 04619-0929

Court Days: Tuesday and Thursday (1st, 3rd and 4th full weeks); Wednesday and Thursday (2nd full week)

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 Plt.	Meddybemps	Woodland
Cooper	Pembroke	T26, E.D.
Crawford	Perry	T36, M.D.
Danforth	Pleasant Point	T37, M.D.
Dyer	Princeton	

Division of Southern Washington (Machias)

Clerk: Marilyn Braley Tel. 207-255-3044 marilyn.braley@maine.gov

47 Court St., P.O. Box 526, Machias, ME 04654-0526

Court days: Every Monday and varied other days. Arraignments: First Wednesday of month

Addison	Devereaux Twp.	Marshfield
Beals	East Machias	Milbridge
Beddington	Edmunds	Northfield
Centerville	Harrington	Rocque 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: Cheryl Tims Tel. 207-667-7141 cheryl.a.tims@maine.gov

50 State St., Ellsworth, ME 04605-1992

Court days: Monday, Tuesday, Thursday, Friday; Wednesday for case management.

Amherst	Ellsworth	Otis
---------	-----------	------

Aurora	Franklin	Penobscot
Blue Hill	Frenchboro	Sedgwick
Brooklin	Gouldsboro	Sorrento
Brooksville	Green Lake	Stonington
Bucksport	Hancock	Sullivan
Castine	Lamoine	Surry
Dedham	Mariaville	Verona
Deer Isle	Orland	Waltham
Eastbrook	Osborn	Winter Harbor

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

Fifth District

Division of Waldo (Belfast)

Clerk: Terri Curtis Tel. 207-338-3107

District Court Bldg., 103 Church St., Belfast, ME 04915

Court days: Every Tuesday – Criminal Cases only; Every other Tuesday – Criminal Arraignments & Trials. * Call for other court day specifics.

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	

Division of Southern Hancock (Bar Harbor)

Closed as of July 1, 2006

SIXTH DISTRICT

Division of Sagadahoc (Bath/Brunswick)

Clerk: Anita Alexander Tel. 207-442-0200 anita.m.alexander@maine.gov

147 New Meadows Rd., West Bath 04530-9704

Court days: Monday through Friday.

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

Division of Lincoln (Wiscasset)

Clerk: Beth Kelley Tel. 207-882-6363 beth.kelley@maine.gov

32 High Street, 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: Penny Reckards Tel. 207-596-2240 penny.reckards@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: Michelle Garwood Tel. 207-287-8075 michelle.garwood@maine.gov
145 State St., Augusta, ME 04330-7495

Court days: Daily

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

Division of Northern Kennebec (Waterville)

Clerk: Judy Pellerin Tel. 207-873-2103 judy.pellerin@maine.gov
18 Colby St., Waterville, ME 04903-0397

Court days: Monday through Friday

Albion	Mount Vernon	Unity Plt.
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@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 Lisbon Poland
Durham Livermore Falls Sabattus
Greene Livermore Turner Minot
Leeds Mechanic Falls Wales
Lewiston Minot

NINTH DISTRICT

Division of Southern Cumberland (Portland)

Clerk: Deborah L. Sullivan deborah.sullivan@maine.gov
(civil): 207-822-4200; (traffic and criminal): 207-822-4204.
County Courthouse, 205 Newbury St., P.O. Box 412, Portland, ME 04112-0412
Court days: Daily

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

Division of Northern Cumberland (Bridgton)

Clerk: Belinda Becher Tel. 207-647-3535
3 Chase St., Ste 2, Bridgton, ME 04009
Court days: Monday, Tuesday, Wednesday, Thursday. Second Tuesday of each month for Oxford County cases; every other Tuesday for Cumberland County cases.

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

TENTH DISTRICT

Division of Eastern York (Biddeford/Saco)

Clerk: Kathryn Jones Tel. 207-283-1147 ext. 226
25 Adams St., Biddeford, ME 04005
Court days: Daily. Monday through Friday

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

Division of Western York (W. York)

Clerk: Rita Howard Tel. 207-459-1400
447 Main St., Sprinvale, ME 04083
Court days: Daily

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

Division of Southern York (York, South York)

Clerk: Doreen Emhoff Tel: 207-363-1230 doreen.r.emhoff@maine.gov
11 Chase's Pond Rd., York , ME 03909
Court days: Call for court dates

Eliot	Ogunquit	Wells
Kittery	South Berwick	York

ELEVENTH DISTRICT

Division of Southern Oxford (South Paris)

Clerk: Laura J. Nokes Tel: 207-743-8942
District Court Bldg., 26 Western Ave., South Paris, ME 04281
Court days: Call for court dates.

Albany	Mason Pt.	Stoneham
Bachelors Grant	Norway	Sumner
Buckfield	Otisfield	Waterford
Greenwood	Oxford	Woodstock
Hartford	Paris	
Hebron	South Paris	

Division of Northern Oxford (Rumford)

Clerk: Trudy DeSalle Tel: 207-364-7171 trudy.desalle@maine.gov
Municipal Bldg., 145 Congress St., Rumford, ME 04276
Court days: Criminal Court-first, third, fourth Tues; Family court-days vary; Civil Court – first, third and fourth Friday.

Adamstown	Hanover	Parmachenee
Andover	Lincoln Plt.	Peru
Bethel	Lynchtown	Richardsontown
Bowmantown	Magalloway Plt.	Riley
Byron	Mexico	Roxbury
Canton	Milton Plt.	Rumford
Dixfield	Newry	Upper Cupsupic
Gilead	North Andover	Upton
Grafton	Oxbow	

TWELFTH DISTRICT

Division of Somerset (Skowhegan)

Clerk: Melanie Adams Tel. 207-474-9518

47 Court St., P.O. Box 525, Skowhegan 04976-0525

Court days: Daily

Anson	The Forks Plt.	Palmyra
Athens	Harmony	Parlin Pond
Bingham	Hartland	Pittsfield
Brighton Plt.	Highland Plt.	Pleasant Ridge Plt.
Cambridge	Hobbstown	Ripley
Canaan	Jackman	Rockwood
Caratunk	Long Pond Plt.	St. Albans
Carrying Place	Madison	Sandwich Academy Grant
Concord Plt.	Mercer	Seboomook
Cornville	Moose River	Skowhegan
Dennistown Plt.	Moscow	Smithfield
Detroit	Moxie Gore	Solon
Embden	New Portland	Starks
Fairfield	Norridgewock	West Forks Plt.

Also including all unorganized territory in Somerset County.

Division of Franklin (Farmington)

Clerk: Vicki L. Hardy Tel. 207-778-8200

129 Main St., Ste 2, Farmington, ME 04938

Court days: Call for court dates

Alder Stream	Farmington	Phillips
Avon	Freeman	Rangeley
Beattie	Industry	Rangeley Plt.
Berlin	Jay	Redington
Carrabassett Val.	Kibby	Salem
Carthage	Kingfield	Sandy River Plt.
Chain of Ponds	Langtown	Seven Ponds

Chesterville	Letter D	Skinner
Coburn Gore	Lowelltown	Strong
Coplin Plt.	Madrid	Temple
Crockertown	Mt. Abraham	Washington Township
Dallas Plt.	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 sharon.webster@maine.gov
 52 Main St., Lincoln, ME 04457
 Court days: Call for court days.

Burlington	Lee	Springfield
Carroll	Lincoln	Webster Plt.
Chester	Lowell	Winn
Drew Plt.	Mattamiscontis	Woodville
Edinburg	Mattawamkeag	T2, R8
Enfield	Maxfield	T2, R9
Howland	Passadumkeag	T3, R1
Kingman	Prentiss	T3, R9
LaGrange	Seboeis Plt.	T5, R1
Lakeville Plt.		

Division of Piscataquis (Dover-Foxcroft)

Clerk: Lisa Richardson Tel. 207-564-2240
 163 E. Main St., Dover-Foxcroft, ME 04426-1395
 Court days: Monday and Thursday

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

Also including all unorganized territory in Piscataquis County

Division of Northern Penobscot (Millinocket)

Clerk: Rebecca Hanscom Tel. 207-723-4786 rebecca.a.hanscom@maine.gov

207 Penobscot Ave., Millinocket, ME 04462-1430

Court day: Wednesday (also open some Tuesdays)

Davidson	Indiana Township	Mount Chase Plt.
East Millinocket	Long A Twp.	Patten
Grindstone	Medway	Stacyville
Hopkins Academy Grant	Millinocket	TA, R7

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

Maine District Courts – Quick Reference

Androscoggin (Lewiston/Auburn) – District VIII	Lincoln (Wiscasset) – District VI
Androscoggin (Livermore Falls) – District XI	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 (Presque Isle) – District II	Penobscot (Millinocket) – District XIII
Bath/Brunswick (West Bath) – District VI	Penobscot (Newport) – District III
Cumberland (Bridgton) – District IX	Piscataquis (Dover-Foxcroft) – District XIII
Cumberland (Portland) – District IX	Somerset (Skowhegan) – District XII
Franklin (Farmington) – District XII	Waldo (Belfast) – District V
Hancock (Ellsworth) – District V	Washington (Calais) – District IV
Kennebec (Augusta) – District VII	Washington (Machias) – District IV
Kennebec (Waterville) – District VII	York (Biddeford/Saco) – District X
Knox (Rockland) – District VI	York (Springvale) – District X
	York (York/South York) – District X