STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER

Order Issued March 30, 2020
(revised April 14, 2020)
(revised May 5, 2020)
(revised June 4, 2020)

Pandemic Management Order from the Maine Trial Court Chiefs Consolidating, Ratifying, and Superseding Previous Orders

Since March 13, 2020, in light of public health concerns arising from the novel coronavirus (COVID-19), the trial court chiefs of Maine's Judicial Branch have issued a number of Emergency Orders in order to adhere to the guidance provided by the Maine and United States Centers for Disease Control and in order to comply with the Governor's Executive Orders 19, 19-A, and 49. This Order consolidates some of those orders into one document and clarifies, corrects, and ratifies those orders.

PMO-TC-1(A). EMERGENCY ORDER CONCERNING JURY TRIALS, TRAVERSE JURORS, AND GRAND JURIES

In light of public health concerns arising from the novel coronavirus (COVID-19), jury trials may be scheduled and held after September 7, 2020, in accordance with in accordance with SJC-PMO-1 and COVID-19 Phased Management Plan. Additionally, grand jury proceedings may be scheduled and held after July 6, 2020, in accordance with SJC-PMO-1 and COVID-19 Phased Management Plan.

Pursuant to M.R.U. Crim. P. 48(b)(2), the State is obligated to present felony charges to a grand jury within a reasonable period of time. If no indictment against a defendant has been returned by the grand jury within that reasonable period, a court is required to dismiss the complaint against that defendant, unless the attorney for the State moves to enlarge the period and shows the court good cause why the complaint should remain on the docket. This emergency order does not abrogate the State's requirement to file such motions.

PMO-TC-1(B). EMERGENCY ORDER EXTENDING THE TIME FOR PAYMENT OF FINES, RESTITUTION, COURT FEES, AND REIMBURSEMENT OF COURT-APPOINTED COUNSEL FEES

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, the due dates for payment of all fines, restitution, court fees, and reimbursement of court-appointed counsel fees shall be extended to July 2, 2020, or to the ordered due date, whichever is later.

PMO-TC-1(C). ORDER REGARDING CHILD PROTECTION PROCEEDINGS

The Maine Judicial Branch continues to monitor the novel coronavirus (COVID-19). The following procedures for child protection proceedings will apply, effective immediately, and until further order of the court:

1. The court will hold a summary preliminary hearing on a preliminary protection order as required by 22 M.R.S. § 4034(4). The court may waive the hearing on the preliminary protection order if the custodian consents, but the custodian's consent must be voluntarily and knowingly executed in court before a judge. (This could be conducted by video provided that video participation is sufficient to comport with due process requirements.) If the hearing is contested, the hearing may be held in-person at the court or be conducted by video, provided that video participation is sufficient to comport with due process requirements. The court will consider requests to have witnesses testify telephonically on a witness-by-witness basis.

2. The court will hold hearings on a jeopardy order petition within 120 days after the filing of the child protection proceeding. If the hearing is contested, the hearing may be held in-person at the court or be conducted by video, provided that video participation is sufficient to comport with due process requirements. The court will consider requests to have witnesses testify telephonically on a witness-by-witness basis. If the hearing is uncontested and the parties plan to agree to jeopardy findings, the court will accept their agreement telephonically or by video. The AAG must send an email to the Clerk, copying all counsel and the GAL, indicating that the jeopardy order petition is uncontested and arrange for the telephonic or video proceeding. The court, in its discretion, reserves the right to require parties to appear in person.

3. The court will hold judicial reviews at least once every 6 months following the issuance of a jeopardy order. Contested judicial reviews may be held in-person at the court or by telephone or video if remote participation is sufficient to comport with due process requirements. The court may, in its discretion, elect to review the case in writing without a hearing if the judicial review is not contested and the parties submit the agreed-to judicial review order in advance of the scheduled judicial review.

4. To the extent possible, the court will hold case management conferences and docket calls telephonically.

5. All child protective case filings will be accepted by email sent to the Clerk, copied to all counsel, and the GAL. The paper filing, with an original signature, shall be mailed to the court. Per M.R. Civ. P. 5(b)(2), counsel and GAL may be served electronically. Clerks will provide email addresses to all parties.

PMO-TC-1(D). MEDICAL MALPRACTICE PANEL PROCEEDINGS

Medical Malpractice Screening Panels conducted pursuant to 24 M.R.S. § 2851, et seq., may continue subject to conditions and procedures required by panel chairs with the limitations that the panel proceedings will not be conducted in courthouses or on Judicial Branch properties until further order and all deadlines associated with medical malpractice panel proceedings are controlled by PMO-SJC-2.

PMO-TC-1(E). EMERGENCY ORDER VACATING WARRANTS FOR UNPAID FINES, UNPAID RESTITUTION, UNPAID COURT-APPOINTED COUNSEL FEES, AND OTHER CRIMINAL FEES

Effective immediately, any outstanding warrants for unpaid fines, unpaid restitution, unpaid court-appointed counsel fees, failure to appear for unpaid fine hearings, and any other failure to appear and pay other fees are hereby **VACATED**.

PMO-TC-1(F). EMERGENCY ORDER CONCERNING VIOLATIONS BUREAU CASES

Effective March 17, 2020, all deadlines established pursuant to M.R. Civ. P. 80F (traffic infractions), and set to expire on or before June 30, 2020, are

extended to July 1, 2020.

PMO-TC-1(G). ORDER REGARDING UNCONTESTED ADOPTIONS

In light of public health concerns arising from the novel coronavirus (COVID-19), effective immediately, and until further order of the court, the court will hold final hearings in uncontested adoption proceedings related to Child Protection cases. The final hearing on these petitions for adoption shall be conducted remotely by a video or telephone conference if video or telephonic participation is sufficient to comport with due process requirements. The court, in its own discretion, reserves the right to require parties to appear in person.

PMO-TC-1(H). ORDER REGARDING PETITIONS FOR REVIEW CONCERNING CONTROL OF NOTIFIABLE DISEASES (22 M.R.S. § 820)

In light of public health concerns arising from the novel coronavirus (COVID-19), the trial courts will hold any hearing requested pursuant to 22 M.R.S. § 820, for review of actions taken by the State.

Dated: June 17, 2020

For the Superior Court:

/s/
Robert E. Mullen, Chief Justice

For the District Court:

/s/
Jed French, Chief Judge

/s/
Rick Lawrence, Deputy Chief Judge