

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 921

H.P. 586

House of Representatives, March 11, 2025

An Act to Expand Use of Electronic Proceedings in the Judicial Branch

Received by the Clerk of the House on March 5, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FREDETTE of Newport.
Cosponsored by Senator STEWART of Aroostook and
Representatives: BLIER of Buxton, WADSWORTH of Hiram, Senators: FARRIN of
Somerset, MARTIN of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA c. 41** is enacted to read:

3 **CHAPTER 41**

4 **CONDUCTING JUCICIAL PROCEEDINGS BY ELECTRONIC MEANS**

5 **§2001. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Electronic means.** "Electronic means" means the use of telephone, Internet or other
9 remote audio and video communication technologies to conduct hearings or other judicial
10 proceedings at which attorneys, parties and witnesses participate without being present in
11 the same physical location as the court.

12 **2. Hearings and other judicial proceedings.** "Hearings and other judicial
13 proceedings" includes all hearings and other court proceedings conducted by the District
14 Court, Superior Court and Supreme Judicial Court.

15 **3. Hybrid means.** "Hybrid means" means the use of telephone, Internet or other
16 remote audio and video communication technologies to conduct hearings or other judicial
17 proceedings at which one or more, but not all, attorneys, parties and witnesses participate
18 without being present in the same physical location as the court.

19 **§2002. Use of electronic means**

20 **1. Required use of electronic means.** Except as provided in subsections 2 and 3, the
21 following hearings and other judicial proceedings must be conducted by electronic means:

22 A. Pretrial conferences;

23 B. Motion hearings and status hearings;

24 C. Mediations and judicial settlement conferences; and

25 D. Any other hearing or judicial proceeding in which in-person attendance is not
26 required to provide due process in a fair and just manner.

27 **2. Exceptions.** Criminal trials and civil jury trials requiring the presentation of physical
28 evidence may not be conducted by electronic means without the consent of each party to
29 the proceeding and the approval of the court.

30 **3. Judicial determination electronic means inappropriate.** A court may order that a
31 specific hearing or other judicial proceeding identified in subsection 1 be conducted in
32 person or through hybrid means if the complexity of the matter, the need for in-person
33 testimony or other relevant factors support a finding that conducting the hearing or other
34 judicial proceeding by electronic means is inappropriate because it would result in a
35 deprivation of due process, fairness or justice.

36 **4. Accommodations.** A court shall provide reasonable accommodations to an
37 individual with limited access to the technology required to participate by electronic means
38 as well as an individual with a disability that limits the individual's ability to fully

1 participate by electronic means. Accommodations under this subsection may include a
2 court order that a specific hearing or other judicial proceeding be conducted by hybrid
3 means during which the affected individual, the affected individual's attorney and other
4 specified attorneys, parties or witnesses are permitted or required to appear in person.

5 **5. Technology and training.** The judicial branch shall ensure that the technology
6 necessary to conduct hearings and other judicial proceedings by electronic means is
7 available in each District Court, Superior Court and Supreme Judicial Court courthouse in
8 the State. The judicial branch shall provide training and technical assistance to allow
9 judges and justices, court staff, attorneys, parties and witnesses to effectively use the
10 technology selected for conducting hearings and other judicial proceedings by electronic
11 means.

12 **§2003. Report; rulemaking**

13 **1. Annual report.** The Supreme Judicial Court shall, by January 15, 2026 and
14 annually thereafter, submit a report to the joint standing committee of the Legislature
15 having jurisdiction over judiciary matters on the use of electronic means to conduct
16 hearings and other judicial proceedings. The report must include, at a minimum, the
17 following:

18 A. Statistics on the number and types of hearings and other judicial proceedings
19 conducted by electronic means in the preceding calendar year;

20 B. An estimate of the cost savings achieved by the judicial branch and the cost savings
21 for attorneys, parties and witnesses as a result of conducting hearings and other judicial
22 proceedings by electronic means in the preceding calendar year;

23 C. Information collected from surveys and other means providing feedback from
24 judges and justices, court staff, attorneys, parties and witnesses on the conduct of
25 hearings and other judicial proceedings by electronic means; and

26 D. Any recommendations for improving or adjusting the use of electronic means to
27 conduct hearings and other judicial proceedings.

28 The joint standing committee of the Legislature having jurisdiction over judiciary matters
29 may report out legislation in response to the report to any regular or special session of the
30 Legislature.

31 **2. Rules.** Notwithstanding any provision of law to the contrary, the Supreme Judicial
32 Court may adopt rules and issue orders to implement this chapter. After the effective date
33 of the rules as adopted or amended, all laws in conflict with the rules are of no further
34 effect.

35 **§2004. Construction**

36 The provisions of this chapter must be liberally construed to accomplish the purposes
37 of this chapter.

38 **Sec. 2. Report regarding laws no longer in effect.** The Supreme Judicial Court,
39 by December 3, 2025, shall submit a report to the Joint Standing Committee on Judiciary
40 detailing those provisions of the Maine Revised Statutes that are rendered of no effect due
41 to the actions taken by the Supreme Judicial Court pursuant to the Maine Revised Statutes,
42 Title 4, chapter 41. The joint standing committee may report out a bill based on the report
43 to the Second Regular Session of the 132nd Legislature.

1

SUMMARY

2 This bill requires that certain categories of hearings and other judicial proceedings in
3 the District Court, Superior Court and Supreme Judicial Court be conducted by electronic
4 means absent a finding that conducting the proceeding by electronic means is inappropriate
5 because it would result in a deprivation of due process, fairness or justice. This requirement
6 does not apply to criminal trials or to civil jury trials requiring the presentation of evidence
7 absent the approval of the court and consent of each party to the proceeding. The bill also
8 requires the court to provide reasonable accommodations to individuals with limited access
9 to the technology required to participate by electronic means as well as individuals with
10 disabilities that limit the individuals' ability to fully participate by electronic means.

11 The bill recognizes the authority of the Supreme Judicial Court to adopt rules and issue
12 orders to implement the provisions of this legislation. It further directs the Supreme
13 Judicial Court to submit an annual report to the joint standing committee of the Legislature
14 having jurisdiction over judiciary matters regarding the conduct of hearings and other
15 judicial proceedings by electronic means in state courts. The bill also requires the Supreme
16 Judicial Court to submit a report by December 3, 2025 to the Joint Standing Committee on
17 Judiciary detailing the provisions rendered of no effect due to the bill's provisions.