

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 850

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S. P. 288

In Senate, February 3, 1965

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Glass of Waldo.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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AN ACT Providing Remedies for the Unauthorized Practice of Law.

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

**Sec. 1. R. S., T. 4, § 807, amended.** Section 807 of Title 4 of the Revised Statutes is amended to read as follows:

**§ 807. Persons not admitted forbidden to practice law; cannot recover pay for services**

Unless duly admitted to the bar of this State, no person shall practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the State or before any court therein, or demand or receive any remuneration for such services rendered in this State. Whoever, not being duly admitted to the bar of this State, shall practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the State or before any court therein, or demand or receive any remuneration for such services rendered in this State, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both. ~~The word "person" as used herein shall include a body corporate~~ This section shall not be construed to apply to practice before any Federal Court by any person duly admitted to practice therein nor to a person pleading or managing his own cause in court. ~~The Supreme Judicial Court and the Superior Court shall have concurrent jurisdiction, upon petition of 3 or more members of any bar association within the State or of the Attorney General, to restrain violations of this section~~ In all proceedings under this section, the fact, as shown by the records of the clerk of courts in the county in which a person resides **Secretary of State**, that such person is not recorded as a member of the bar in such county shall be prima facie evidence that he is not a member of the bar licensed to practice

law in the State. The Supreme Judicial Court or any justice thereof shall have the power to issue a rule requiring any person alleged to have violated any of the provisions of this section to appear on a day fixed and show cause why he should not be adjudged in contempt, and abide the order of such court or justice in the premises, which order shall be served by a copy in hand at least 5 days before the return day. In the event that such court or justice finds said person guilty of violating any of the provisions of this section, the person so adjudged shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both. This power vesting authority in the Supreme Judicial Court, or any member thereof, to punish for contempt is not to supersede any of the other provisions of this section but is in addition to any other remedy provided herein.

Sec. 2. R. S., T. 4, §§ 808-811, additional. Title 4 of the Revised Statutes is amended by adding 4 new sections, 808 to 811, to read as follows:

‘§ 808. Action for injunction

Upon his own information or upon complaint of any person, including any judge or any organized bar association in this State, the Attorney General may maintain an action for injunctive relief in the Superior Court against any person who renders, offers to render or holds himself out as rendering any service which constitutes the unauthorized practice of the law. Any organized bar association in this State may intervene in the action, at any stage of the proceeding, for good cause shown.

The action may be maintained by any organized bar association in this State.

§ 809. Investigation by Attorney General

The Attorney General may investigate any complaint of unauthorized practice of the law and the Attorney General, his deputy, assistant, special assistant or other officer designated by him may subpoena witnesses, compel their attendance, examine them under oath and require the production of any relevant documentary evidence.

The laws relating to the attendance of witnesses in civil actions and the payment of their fees and expenses to those witnesses shall apply to investigations made by the Attorney General under sections 808 to 811.

If a person fails or refuses to obey a subpoena or to testify as to any material matter regarding which he may be interrogated, the Superior Court, upon application by the Attorney General, may issue to the person an order requiring him to appear before the Attorney General, or the officer designated by him, to produce documentary evidence, or testify. Failure to obey the order of the court may be punished by the court as a contempt of court.

When requested, public officers, their deputies, assistants, subordinates, clerks or employees shall furnish to the Attorney General, his deputy, assistants or other designated officer all information and assistance.

Investigations under this section shall be confidential. Any person participating in the investigation who, except as required in the discharge of his of-

cial duties, discloses to any person other than to a person under investigation, the name of any person under investigation or of any witness examined, or any other information obtained in the investigation is guilty of a misdemeanor.

Every person, whose conduct is investigated under this section, shall be furnished with a written specification of the issues which are to be considered, and shall be given an opportunity to present evidence and be heard upon the specified issues.

§ 810. Remedies and procedures additional

The remedies and procedures provided in sections 808 to 811 are in addition to and not in substitution for other available remedies and procedures.

§ 811. Person defined

“Person” means any individual, corporation, partnership or association.’