

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1057

H. P. 812

House of Representatives, February 22, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Perkins of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Eliminating Admission to the Bar of the State of Maine by Motion.

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

Sec. 1. R. S., T. 4, § 802, amended. Section 802 of Title 4 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 286 of the public laws of 1971, is amended to read as follows:

§ 802. Attorneys from other states

Practicing attorneys whose domiciles are in other states and territories or from foreign countries may be admitted on motion to try cases in any of the courts of this State by such courts, but shall not be admitted to the general practice of law in this State without complying with section 803. ~~Where any applicant, who has been a member of the bar of another state or the District of Columbia in good standing and in active practice for at least 3 years shall furnish the Supreme Judicial Court a certificate that he has established his domicile in the State of Maine and a certificate of admission to practice in the court of last resort of such state or a certificate of admission to any district court of the United States, together with the recommendation of one of the judges of the court of last resort of such state or of the District of Columbia, and a certificate of good moral character and of fitness to practice law from the board, said Supreme Judicial Court may in its discretion, if satisfied as to his qualifications, admit such person to practice on motion made by some member of the bar of said court, which motion shall include a declaration that to the best of the knowledge and belief of the member of the bar making such motion, the applicant has established his domicile in the State of Maine.~~

~~Any such applicant, when making application for such certificate of good moral character and of fitness to practice law, shall pay to the board a fee established by the board and approved by the Supreme Judicial Court, all or any part of which may be used by said board to defray the expense of investigation of such applicant.~~

Sec. 2. R. S., T. 4, § 803, amended. The first sentence of section 803 of Title 4 of the Revised Statutes, as repealed and replaced by section 1 of chapter 286 of the public laws of 1971, is amended to read as follows:

Every ~~other~~ person who shall be of full age, a citizen of the United States, of a good moral character and who shall have established his domicile in the State of Maine may be admitted to practice as an attorney and counselor at law and solicitor and counselor in chancery in all the courts of record of this State on motion made in open court, but the applicant shall first produce the certificate provided for in this chapter from the board that he possesses sufficient learning in the law and moral character and ability to enable him to properly practice as an attorney and counselor at law and solicitor and counselor in chancery in the courts of this State, which certificate shall have been issued not more than one year prior to the date of the making of the motion, and he shall file with the court an affidavit that he has established his domicile within the State of Maine.

Sec. 3. R. S., T. 4, § 804, amended. The first sentence of section 804 of Title 4 of the Revised Statutes, is amended to read as follows:

Each applicant, ~~unless heretofore qualified~~ before taking examination for admission to the bar of this State shall produce to said board satisfactory evidence of good moral character and of having received a preliminary education sufficient to entitle him to admission as a member in good standing of the 3rd year class of Bates College, Bowdoin College, Colby College or the University of Maine, or any other college or university approved by said board, as a candidate for the degree of Bachelor of Arts, Science, Education or Business Administration.

Sec. 4. R. S., T. 4, § 804, amended. The first sentence of the 2nd paragraph of section 804 of Title 4 of the Revised Statutes, as last repealed and replaced by section 2 of chapter 286 of the public laws of 1971, is amended to read as follows:

In addition to the foregoing requirements, each applicant shall produce to the said board satisfactory evidence that he has graduated from a law school approved by said board, provided that any person otherwise qualified may qualify to take the bar examinations upon proof that he has studied law in an office of some attorney in the State of Maine for 3 years prior to September 1, 1963, or that he has studied law for a continuous period of at least 6 months in such law office prior to September 1, 1963, and in an approved law school for a combined period of 3 years or he has successfully completed $\frac{2}{3}$ of the requirements for graduation from a law school approved by said board, and thereafter has pursued the study of law in the office of some attorney within the State of Maine for at least one year; or shall furnish a certificate of admission to practice in the courts of another state and satisfactory evi-

dence that he has in fact been actively engaged in the practice of law for at least 3 years.

STATEMENT OF FACT

The purpose of this bill is to eliminate admission to the bar on motion and to require every person seeking admission to take the bar examination.