

# MAINE STATE LEGISLATURE

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D. OF R

1

L.D. 579

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(Filing No. S-40 )

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STATE OF MAINE

4

SENATE

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112TH LEGISLATURE

6

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 220, L.D. 579,

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Bill, "AN ACT to Amend the Laws Relating to Admission

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to the Bar."

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Amend the bill in section 2 in that part designated "§802." by striking out the 2nd and 3rd lines (page 2, lines 32 and 33 in L.D.) and inserting in their place the following: 'Practicing attorneys whose domiciles are in other states and territories or from foreign countries Attorneys who are practicing law in other states, territories or foreign countries'

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Further amend the bill in section 6, in that part designated "§805-A." subsection 1, in the 2nd and 3rd lines (page 4, lines 11 and 12 in L.D.) by striking out the following: "files an affidavit with the court that he has established his domicile within the State and"

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Further amend the bill in section 7, by striking out all of that part designated "§806-A." and inserting in its place the following:

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'§806-A. License to practice subject to condition

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Each person who is admitted to practice as an attorney in this State must complete, within 18 months after his license is issued, any practical skills course approved by the board. This period may be enlarged by a Justice of the Supreme Judicial Court on motion for good cause shown during that period.

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If an attorney fails to complete this course within the time allowed, the board shall notify the Supreme Judicial Court and the Board of Overseers of the Bar that the attorney's license is invalid and

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1 continued practice of law is unauthorized under sec-  
2 tion 807.

3 An attorney who loses his license under this sec-  
4 tion shall be readmitted after notifying the Supreme  
5 Judicial Court and the Board of Overseers of the Bar  
6 of his later compliance with this section.'

7 Further amend the bill in section 8, in that part  
8 designated "§807." in the 17th line (page 5, line 38  
9 in L.D.) by inserting after the underlined figure  
10 "806-A" the following: ', or unless he has been ad-  
11 mitted to try cases in the courts of this State under  
12 section 802'

13 Further amend the bill in section 9, by striking  
14 out the 2nd paragraph (page 6, lines 41 to 43 in  
15 L.D.) and inserting in its place the following:

16 'The applicants for the July 1986 bar examination  
17 shall be the first applicants subject to the require-  
18 ments of the Maine Revised Statutes, Title 4, section  
19 805-A, subsection 2, paragraph C, and section 806-A.'

20 STATEMENT OF FACT

21 This amendment clarifies the provisions for an  
22 attorney who practices outside of Maine to be admit-  
23 ted on motion for the limited purpose of trying a  
24 case in Maine courts.

25 This amendment deletes the requirement that a  
26 person be domiciled in Maine before he may be admit-  
27 ted to the Maine bar. Such a requirement was recent-  
28 ly declared unconstitutional by the United States Su-  
29 preme Court.

30 This amendment provides that a newly admitted at-  
31 torney who fails to meet the practical skills course  
32 requirement within the 18-month period has his li-

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1 cense invalidated until the requirement is met. Once  
2 he takes the course, he will be readmitted. The bill  
3 provided that an attorney who failed to take the  
4 course within the prescribed time period would lose  
5 his license to practice entirely, and would have to  
6 retake the bar exam and take the course to gain  
7 readmittance.

8 This amendment clarifies the transition provi-  
9 sions.

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Reported by The Majority for the Committee on Judiciary.

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(4/4/85)

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