

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1367, L.D. 1931)  
2 (New Title)  
3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

7 Legislative Document

No. 2141

8  
9 H.P. 1521 House of Representatives, March 6, 1986  
10 Reported by Representative Paradis from the Committee on Judiciary  
11 and printed under Joint Rule 2. Original bill sponsored by Representative  
12 Cashman of Old Town. Cosponsored by Senator Twitchell of Oxford,  
Representative Beaulieu of Portland and Representative Kane of South  
Portland.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

19 AN ACT to Permit the Supreme Judicial Court  
20 to Authorize Employees of the Bureau  
21 of Taxation and of the Bureau of  
22 Employment Security to Participate in  
23 Court Proceedings.  
24

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

27 Sec. 1. 4 MRSA §807, first ¶, as amended by PL  
28 1985, c. 124, §8, is further amended to read:

29 No person may practice law or hold himself out to  
30 practice law within the State or before its courts,  
31 or demand or receive any remuneration for those ser-  
32 vices rendered in this State, unless he has been ad-  
33 mitted to the bar of this State and has complied with  
34 section 806-A, or unless he has been admitted to try  
35 cases in the courts of this State under section 802.  
36 Any person who practices law in violation of these

1 requirements is guilty of the unauthorized practice  
2 of law, which is a Class E crime. This section shall  
3 not be construed to apply to practice before any Fed-  
4 eral Court by any person admitted to practice there-  
5 in; nor to a person pleading or managing his own  
6 cause in court; nor to the officer or employee of a  
7 corporation, partnership, sole proprietorship or gov-  
8 ernmental entity, who is not an attorney, but is ap-  
9 pearing for that organization in an action cognizable  
10 as a small claim under Title 14, chapter 738; nor to  
11 a person who is not an attorney, but is representing  
12 a municipality under Title 12, section 4812-C, sub-  
13 section 2; Title 30, section 3222, subsection 2; or  
14 Title 30, section 4966, subsection 1; nor to a person  
15 who is not an attorney, but is representing the De-  
16 partment of Environmental Protection under Title 38,  
17 section 342, subsection 7; nor to a person who is not  
18 an attorney, but is representing the Bureau of Em-  
19 ployment Security or the Bureau of Taxation under  
20 section 807-A. In all proceedings, the fact, as  
21 shown by the records of the Board of Overseers of the  
22 Bar, that that person is not recorded as a member of  
23 the bar shall be prima facie evidence that he is not  
24 a member of the bar licensed to practice law in the  
25 State.

26 Sec. 2. 4 MRSA §807-A is enacted to read:

27 §807-A. Representation by Bureau of Employment Secu-  
28 rity or Bureau of Taxation employees

29 Upon the promulgation of and in accordance with  
30 rules adopted by the Supreme Judicial Court, employ-  
31 ees of the Bureau of Employment Security may serve  
32 civil process and represent the bureau in District  
33 Court in disclosure proceedings pursuant to Title 14,  
34 chapter 502, ancillary to the collection of taxes and  
35 overpayments for which warrants have been issued pur-  
36 suant to Title 26, chapter 13.

37 Upon promulgation of and in accordance with rules  
38 adopted by the Supreme Judicial Court, employees of  
39 the Bureau of Taxation may serve civil process and  
40 represent the bureau in District Court in disclosure  
41 proceedings pursuant to Title 14, chapter 502, ancil-  
42 lary to the collection of taxes for which warrants  
43 have been issued pursuant to Title 26, and may repre-

1 sent the State Tax Assessor in arraignment proceed-  
2 ings in District Court in cases in which a criminal  
3 complaint has been filed alleging violation of Title  
4 36, section 2113, 3234 or 5332.

5 If the Supreme Judicial Court adopts rules under  
6 this section, the rules shall include the establish-  
7 ment of standards and a method to certify employees  
8 of the Bureau of Employment Security and the Bureau  
9 of Taxation who may represent the State in court un-  
10 der this section as being familiar with court proce-  
11 dures.

12 This section is repealed on April 1, 1988.

13 STATEMENT OF FACT

14 Section 1 of this bill allows employees of the  
15 Bureau of Employment Security and the Bureau of Taxa-  
16 tion to represent their respective bureaus in certain  
17 court proceedings even though they are not attorneys.  
18 This representation may only occur under the condi-  
19 tions described in section 2.

20 Only upon promulgation of and in accordance with  
21 rules adopted by the Supreme Judicial Court may em-  
22 ployees of the Bureau of Employment Security serve  
23 civil process and represent the Department of Labor  
24 in civil disclosure hearings, and may employees of  
25 the Bureau of Taxation serve civil process and repre-  
26 sent the State in civil disclosure hearings and ap-  
27 pear in arraignments concerning tax law violations  
28 under the Maine Revised Statutes, Title 4, section  
29 807-A. These rules must establish standards and a  
30 method to certify employees as being familiar with  
31 court procedures. The provisions of section 2 are  
32 repealed on April 1, 1988.

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