

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2009

H.P. 1439

House of Representatives, December 20, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 20, 1989. Referred to the Committee on Judiciary and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

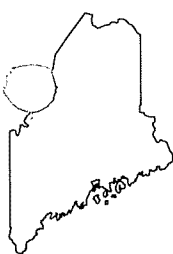
Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Senator WEBSTER of Franklin and Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Promote Judicial Economy by Allowing Corporate Self-
representation in Traffic Cases.**



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

4 4 MRSA §807, as amended by PL 1989, c. 104, Pt. C, §§2 and
6 10 and c. 265, §1, is repealed and the following enacted in its
8 place:

10 **§807. Unauthorized practice of law**

12 **1. Prohibition.** No person may practice law or profess to
14 practice law within the State or before its courts, or demand or
16 receive any remuneration for those services rendered in this
18 State, unless that person has been admitted to the bar of this
20 State and has complied with section 806-A, or unless that person
22 has been admitted to try cases in the courts of this State under
24 section 802.

26 **2. Violation.** Any person who practices law in violation of
28 these requirements is guilty of the unauthorized practice of law,
30 which is a Class E crime.

32 **3. Application.** This section shall not be construed to
34 apply to:

36 **A. Practice before any Federal Court by any person admitted
38 to practice therein;**

40 **B. A person pleading or managing that person's own cause in
42 court;**

44 **C. The officer or employee of a corporation, partnership,
46 sole proprietorship or governmental entity, who is not an
48 attorney, but is appearing for that organization in an
50 action cognizable as a small claim under Title 14, chapter
738 or a traffic infraction as defined in Title 29, section
1, subsection 17-C;**

**D. A person who is not an attorney, but is representing a
municipality under:**

(1) Title 30-A, section 2671, subsection 3;

(2) Title 30-A, section 4221, subsection 2;

(3) Title 30-A, section 4452, subsection 1; or

(4) Title 38, section 441, subsection 2;

**E. A person who is not an attorney, but is representing the
Department of Environmental Protection under Title 38,
section 342, subsection 7;**

2 F. A person who is not an attorney, but is representing the
3 Bureau of Employment Security or the Bureau of Taxation
4 under section 807-A;

5 G. A person who is not an attorney, but is representing a
6 party in any hearing, action or proceeding before the
7 Workers' Compensation Commission as provided in Title 39,
8 section 110-A; or

9 H. A person who is not an attorney, but has been designated
10 under Title 34-B, section 1204, subsection 7, to represent
11 the Department of Mental Health and Mental Retardation in
12 Probate Court.

13 4. Evidence. In all proceedings, the fact, as shown by the
14 records of the Board of Overseers of the Bar, that that person is
15 not recorded as a member of the bar shall be prima facie evidence
16 that that person is not a member of the bar licensed to practice
17 law in the State.

18 Notwithstanding any of the other provisions of this chapter
19 and under such terms, conditions, limitations, qualifications and
20 supervision as the Supreme Judicial Court shall by rule require,
21 a senior law student who is enrolled in a law school which is
22 approved by the American Bar Association, may appear in the
23 courts of the State on behalf of the State or an agency thereof,
24 or under the supervision of an organization providing legal
25 services to the indigent approved by the Supreme Judicial Court
26 on behalf of an individual receiving services through such
27 organization.

32 STATEMENT OF FACT

33 This bill authorizes businesses and corporations to
34 represent themselves, without an attorney, in traffic infraction
35 matters. The bill also corrects a conflict between 2 public laws
36 affecting the Maine Revised Statutes, Title 4, section 807.