

CHAPTER 17

ATTORNEYS AT LAW

SUBCHAPTER 1

ADMISSION TO PRACTICE

§801. Board of bar examiners; purpose; appointment

The Supreme Judicial Court shall create a board of bar examiners for the purposes of designing, administering and passing judgment on examinations taken by those individuals seeking admission to the bar. The board shall make recommendations to the Supreme Judicial Court as to which individuals have successfully passed this examination process and fulfilled the other requirements of this chapter for admission to the bar. All procedural, administrative and budgetary actions of a board of bar examiners shall be subject to rules established by the Supreme Judicial Court and are deemed to be actions of the Supreme Judicial Court. The board shall be composed of 9 members, 7 of whom shall be licensed to practice law in the State and shall be appointed by the Governor on the recommendation of the Supreme Judicial Court. The remaining 2 members shall be public members and shall be appointed by the Governor. [PL 1987, c. 395, Pt. A, §10 (RPR).]

SECTION HISTORY

PL 1971, c. 286, §1 (RPR). PL 1975, c. 66, §1 (RPR). PL 1975, c. 575, §§1,2 (AMD). PL 1975, c. 770, §14 (RPR). PL 1977, c. 3, §§1,2 (AMD). PL 1977, c. 694, §2 (AMD). PL 1983, c. 812, §12 (AMD). PL 1985, c. 124, §1 (AMD). PL 1987, c. 395, §A10 (RPR).

§801-A. Reports; limitations

(REPEALED)

SECTION HISTORY

PL 1977, c. 604, §1 (NEW). PL 1987, c. 395, §A11 (RP).

§801-B. Budget

(REPEALED)

SECTION HISTORY

PL 1977, c. 604, §1 (NEW). PL 1995, c. 279, §1 (RP).

§802. Attorneys from other states

Attorneys who are practicing law in other states, territories or foreign countries may be admitted on motion to try cases in any of the courts of this State by those courts, but shall not be admitted to the general practice of law in this State without complying with section 805-A. [PL 1985, c. 124, §2 (AMD).]

SECTION HISTORY

PL 1967, c. 441, §1 (AMD). PL 1971, c. 286, §1 (RPR). PL 1973, c. 550, §1 (AMD). PL 1985, c. 124, §2 (AMD).

§803. Qualifications for taking bar examination

1. Evidence of graduation. Before taking the examination for admission to the bar of the State, each applicant shall produce to a board of bar examiners satisfactory evidence that the applicant

graduated with a bachelor's degree from an accredited college or university or that the applicant successfully completed at least 2 years' work as a candidate for that degree at an accredited college or university.

[RR 2021, c. 1, Pt. B, §22 (COR).]

2. Further qualifications. Each applicant shall produce to a board of bar examiners satisfactory evidence that the applicant:

A. Graduated from a law school accredited by the American Bar Association; [PL 1985, c. 124, §3 (NEW).]

B. Graduated from a law school accredited by the United States jurisdiction in which it is located, that the applicant has been admitted to practice by examination in one or more jurisdictions within the United States and has been in active practice there for at least 3 years; [RR 2021, c. 1, Pt. B, §22 (COR).]

C. Graduated from a foreign law school with a legal education that, in the board's opinion, is equivalent to that provided in those law schools accredited by the American Bar Association; or [RR 2021, c. 1, Pt. B, §22 (COR).]

D. Successfully completed 2/3 of the requirements for graduation from a law school accredited by the American Bar Association and then pursued the study of law in the office of an attorney within the State for at least one year. [PL 1985, c. 124, §3 (NEW).]

[RR 2021, c. 1, Pt. B, §22 (COR).]

3. Eligibility for examination. When an applicant has satisfied a board of bar examiners that these requirements have been fulfilled and has paid a fee fixed by the Supreme Judicial Court, that applicant is eligible to take the examinations prepared or adopted by the board to determine if that applicant has the qualifications required by this chapter for admission to the bar.

[RR 2021, c. 1, Pt. B, §22 (COR).]

SECTION HISTORY

PL 1971, c. 286, §1 (RPR). PL 1973, c. 550, §2 (AMD). PL 1975, c. 66, §2 (AMD). PL 1985, c. 124, §3 (RPR). PL 1987, c. 395, §A12 (AMD). RR 2021, c. 1, Pt. B, §22 (COR).

§804. Further qualifications; examination; fee; grade of

(REPEALED)

SECTION HISTORY

PL 1967, c. 370, §§1,2 (AMD). PL 1971, c. 286, §2 (AMD). PL 1971, c. 411 (AMD). PL 1971, c. 622, §6 (AMD). PL 1973, c. 550, §3 (AMD). PL 1975, c. 66, §3 (AMD). PL 1979, c. 541, §A14 (AMD). PL 1983, c. 247 (AMD). PL 1985, c. 124, §4 (RP).

§805. Reexamination

(REPEALED)

SECTION HISTORY

PL 1971, c. 286, §§3,4 (AMD). PL 1975, c. 66, §4 (RPR). PL 1985, c. 124, §5 (RPR). PL 1987, c. 395, §A13 (RP).

§805-A. Qualifications for admission to practice

1. Certificate of qualification; admission. Any person who produces a certificate of qualification from the board recommending that person's admission to the bar may be admitted to practice as an attorney in the courts of this State on motion in open court. A person may not be denied the opportunity to qualify for admission because of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

[PL 2021, c. 553, §1 (AMD).]

2. Issuance of certificate of qualification. A board of bar examiners shall issue a certificate of qualification stating that the applicant is a person of good moral character and possesses sufficient learning in the law to practice as an attorney in the courts of this State to each applicant who:

A. Produces satisfactory evidence of good moral character.

(1) The fact that an applicant has been convicted as an adult of a crime that is punishable by imprisonment of one year or more in this State or in another state or jurisdiction of the United States raises a presumption that the applicant has not met this requirement. This presumption may be rebutted by proof that a lawful pardon has been obtained, that extraordinary circumstances surrounded the commission of the crime or that a reasonable amount of time has passed since the applicant's conviction and completion of sentence and there is evidence of complete rehabilitation based on the applicant's subsequent history.

(2) Nothing in subparagraph (1) precludes the board or the Supreme Judicial Court from considering a conviction as a basis for disqualification under this paragraph; [PL 1993, c. 643, §1 (AMD).]

B. Attains the passing grades established by the board on those examinations required by the board; and [PL 1985, c. 124, §6 (NEW).]

C. [PL 2023, c. 141, §1 (RP).]

D. Establishes that the applicant has satisfied all of the other requirements under the Maine Bar Admission Rules for the board to issue a certificate of qualification. [PL 2023, c. 141, §2 (NEW).]

[PL 2023, c. 141, §§1, 2 (AMD).]

3. Admission within one year of passing bar examination. An applicant for admission by examination must be admitted to practice within one year from the date that the applicant has been notified of that applicant's passing of the bar examination. This one-year period may be extended by successive one-year periods by a Justice of the Supreme Judicial Court on motion for good cause shown during the period.

[PL 2023, c. 141, §3 (AMD).]

4. Admission within one year of applying for admission on motion. An applicant who is an attorney admitted to practice law in a state or territory of the United States or the District of Columbia who meets the requirements for admission on motion under the Maine Bar Admission Rules must be admitted to practice within one year from the date that the board of bar examiners receives the applicant's application. This period may be extended by a 6-month period by the board of bar examiners pursuant to the regulations of the board of bar examiners and then by successive one-year periods by a Justice of the Supreme Judicial Court on motion for good cause shown during the 6-month period or any succeeding one-year period.

[PL 2023, c. 141, §4 (NEW).]

SECTION HISTORY

PL 1985, c. 124, §6 (NEW). PL 1987, c. 395, §A14 (AMD). PL 1993, c. 643, §1 (AMD). RR 2021, c. 1, Pt. B, §23 (COR). PL 2021, c. 553, §1 (AMD). PL 2023, c. 141, §§1-4 (AMD).

§806. Attorney's oath

Upon admission to the bar, every applicant shall, in open court, take and subscribe an oath to support the Constitution of the United States and the Constitution of this State, and take the following oath, or, in the case of an applicant conscientiously scrupulous of taking an oath, such applicant shall make appropriate affirmations to the same effect: [PL 1975, c. 66, §5 (AMD).]

"You solemnly swear that you will do no falsehood nor consent to the doing of any in court, and that if you know of an intention to commit any, you will give knowledge thereof to the justices of the court or some of them that it may be prevented; you will not wittingly or willingly promote or sue any false, groundless or unlawful suit nor give aid or consent to the same; that you will delay no man for lucre or malice, but will conduct yourself in the office of an attorney within the courts according to the best of your knowledge and discretion, and with all good fidelity, as well as to the courts, as to your clients. So help you God."

SECTION HISTORY

PL 1975, c. 66, §5 (AMD).

§806-A. License to practice subject to condition

Each person who is admitted to practice as an attorney in this State must complete, within 18 months after that person's 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. [RR 2021, c. 1, Pt. B, §24 (COR).]

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 continued practice of law is unauthorized under section 807. [PL 1985, c. 124, §7 (NEW).]

An attorney who loses that attorney's license under this section must be readmitted after notifying the Supreme Judicial Court and the Board of Overseers of the Bar of that attorney's later compliance with this section. [RR 2021, c. 1, Pt. B, §24 (COR).]

SECTION HISTORY

PL 1985, c. 124, §7 (NEW). RR 2021, c. 1, Pt. B, §24 (COR).

§807. Unauthorized practice of law

1. Prohibition. No person may practice law or profess to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless that person has been admitted to the bar of this State and has complied with section 806-A, or unless that person has been admitted to try cases in the courts of this State under section 802. [PL 1989, c. 755 (RPR).]

2. Violation. Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime. [PL 1989, c. 755 (RPR).]

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

A. Practice before any Federal Court by any person admitted to practice therein; [PL 1989, c. 755 (RPR).]

B. A person pleading or managing that person's own cause in court; [PL 1989, c. 755 (RPR).]

C. An officer or authorized employee of a corporation, partnership, sole proprietorship or governmental entity, or a member, manager or authorized employee of a limited liability company, who is not an attorney but is appearing for that organization:

(1) In an action cognizable as a small claim under Title 14, chapter 738; or

(2) For the purposes of entering a plea or answer and paying the fine or penalty for a violation by that organization of Title 23, chapter 24 or Title 29-A; [PL 2001, c. 119, §1 (AMD).]

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

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

- (3) Title 30-A, section 4452, subsection 1; or
- (4) Title 38, section 441, subsection 2; [PL 1997, c. 296, §1 (AMD).]
- E. A person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7; [PL 1989, c. 755 (RPR).]
- F. A person who is not an attorney, but is representing the Bureau of Unemployment Compensation or the Bureau of Revenue Services under section 807-A; [PL 1995, c. 560, Pt. G, §1 (AMD); PL 1997, c. 526, §14 (AMD).]
- G. A person who is not an attorney, but is representing a party in any hearing, action or proceeding before the Workers' Compensation Board as provided in Title 39-A, section 317; [PL 1995, c. 419, §1 (AMD).]
- H. A person who is not an attorney but has been designated to represent the Department of Health and Human Services under Title 22, section 3473, subsection 3 or under Title 22-A, section 207, subsection 7 in Probate Court proceedings; [PL 2007, c. 539, Pt. N, §4 (AMD).]
- I. A person who is not an attorney, but is representing the Department of Health and Human Services in a child support enforcement matter as provided by Title 14, section 3128-A, subsection 7; Title 18-C, section 5-204; and Title 19-A, section 2361, subsection 10; [PL 2017, c. 402, Pt. C, §5 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]
- J. For the purposes of defending a civil action filed against a corporation, an officer of the corporation if the corporation is organized in this State and has 5 or fewer shareholders; [PL 1997, c. 683, Pt. E, §2 (AMD).]
- K. A person who is not an attorney, but who is representing the Department of Health and Human Services in accordance with Title 19-A, section 1615; Title 19-A, section 2009, subsection 8; Title 19-A, section 2201, subsection 1-B; and Title 19-A, section 2202, subsection 1-B; [PL 1999, c. 139, §1 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]
- L. A person who is not an attorney, but who is representing the Department of Agriculture, Conservation and Forestry in accordance with Title 7, section 3909, subsection 2; [PL 2003, c. 278, §1 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]
- M. A law enforcement officer, as defined in Title 29-A, section 101, subsection 30, who is not an attorney but who is representing the State in the prosecution of a traffic infraction, as defined in Title 29-A, section 101, subsection 85, when representation in that matter has been approved by the prosecuting attorney; [PL 2007, c. 249, §4 (AMD).]
- N. A person who is not an attorney, but is representing the State under section 807-A; [PL 2007, c. 611, §1 (AMD).]
- O. A person who is not an attorney, but who is representing a party in any hearing, action or proceeding before the Maine Public Employees Retirement System; [PL 2009, c. 480, §1 (AMD).]
- P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Conservation and Forestry at adjudicatory hearings before the commission in accordance with Title 8, section 263-C; [PL 2013, c. 45, §1 (AMD); PL 2013, c. 134, §1 (AMD).]
- Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; [RR 2013, c. 1, §5 (COR).]
- R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer under Title 36, section 151-A, subsection 2

and is representing a party in any hearing, action or proceeding before the Maine Board of Tax Appeals in accordance with Title 36, section 151-D; [PL 2019, c. 449, §1 (AMD).]

REVISOR'S NOTE: (Paragraph R as enacted by PL 2013, c. 134, §3 is REALLOCATED TO TITLE 4, SECTION 807, SUBSECTION 3, PARAGRAPH S)

S. (REALLOCATED FROM T. 4, §807, sub-§3, ¶R) An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709; [PL 2021, c. 567, §4 (AMD).]

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207; or [PL 2019, c. 597, §2 (AMD).]

U. Practice, pursuant to a rule of the Supreme Judicial Court, by a law student enrolled in a law school accredited by the American Bar Association. [PL 2019, c. 597, §3 (NEW).]

[PL 2021, c. 567, §4 (AMD).]

4. Evidence. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that that person is not a member of the bar licensed to practice law in the State. [PL 1989, c. 755 (RPR).]

SECTION HISTORY

PL 1965, c. 92, §1 (AMD). PL 1969, c. 396 (AMD). PL 1973, c. 625, §13 (AMD). PL 1975, c. 636 (AMD). PL 1977, c. 593, §1 (AMD). PL 1977, c. 696, §26 (AMD). PL 1979, c. 700, §2 (AMD). PL 1983, c. 126 (AMD). PL 1983, c. 420 (AMD). PL 1983, c. 796, §2 (AMD). PL 1985, c. 124, §8 (AMD). PL 1985, c. 598, §1 (AMD). PL 1985, c. 742, §1 (AMD). PL 1987, c. 30 (AMD). PL 1987, c. 402, §A8 (AMD). PL 1987, c. 559, §B1 (AMD). PL 1987, c. 737, §§C4,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C2,C8,C10 (AMD). PL 1989, c. 265, §1 (AMD). PL 1989, c. 755 (RPR). PL 1989, c. 858, §1 (AMD). PL 1991, c. 885, §E4 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1995, c. 65, §A5 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 419, §§1-3 (AMD). PL 1995, c. 560, §§G1,K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 599, §§1-3 (AMD). PL 1995, c. 694, §D4 (AMD). PL 1995, c. 694, §E2 (AFF). RR 1997, c. 1, §2 (COR). PL 1997, c. 238, §1 (AMD). PL 1997, c. 296, §1 (AMD). PL 1997, c. 393, §A6 (AMD). PL 1997, c. 393, §A7 (AFF). PL 1997, c. 466, §§1,2 (AMD). PL 1997, c. 466, §28 (AFF). PL 1997, c. 526, §14 (AMD). PL 1997, c. 669, §1 (AMD). PL 1997, c. 683, §§E2-4 (AMD). PL 1999, c. 139, §§1-3 (AMD). PL 2001, c. 119, §1 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 554, §1 (AMD). RR 2003, c. 2, §1 (COR). PL 2003, c. 278, §§1-3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 58, §3 (REV). PL 2007, c. 249, §§4-6 (AMD). PL 2007, c. 539, Pt. N, §4 (AMD). PL 2007, c. 611, §§1-3 (AMD). PL 2009, c. 480, §1-3 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). RR 2013, c. 1, §§5-7 (COR). PL 2013, c. 45, §§1-3 (AMD). PL 2013, c. 134, §§1-3 (AMD). PL 2015, c. 195, §1 (AMD). PL 2017, c. 402, Pt. C, §§5, 6 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2019, c. 449, §§1-3 (AMD). PL 2019, c. 597, §§1-4 (AMD). PL 2021, c. 567, §4 (AMD).

§807-A. Representation by Bureau of Unemployment Compensation, Department of the Attorney General or Bureau of Revenue Services employees

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Unemployment Compensation may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the

collection of taxes and overpayments for which warrants have been issued pursuant to Title 26, chapter 13. [PL 1995, c. 560, Pt. G, §2 (AMD).]

Upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of Administrative and Financial Services, Bureau of Revenue Services may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes for which warrants have been issued pursuant to Title 36, and may represent the State Tax Assessor in arraignment proceedings in District Court in cases in which a criminal complaint has been filed alleging violation of a provision of Title 36. [PL 2005, c. 683, Pt. A, §3 (RPR).]

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of the Attorney General may serve civil process and represent the State in District Court in disclosure proceedings pursuant to Title 14, chapters 502 and 502-A. [PL 2007, c. 248, §1 (AMD).]

If the Supreme Judicial Court adopts rules under this section, the rules must include the establishment of standards and a method to certify employees of the Bureau of Unemployment Compensation, the Department of the Attorney General and the Bureau of Revenue Services who may represent the State in court under this section as being familiar with court procedures. [PL 2003, c. 278, §4 (AMD).]

SECTION HISTORY

PL 1985, c. 598, §2 (NEW). PL 1987, c. 497, §1 (AMD). PL 1989, c. 508, §1 (AMD). PL 1995, c. 560, §G2 (AMD). PL 1997, c. 526, §14 (AMD). PL 2003, c. 278, §4 (AMD). PL 2005, c. 218, §1 (AMD). PL 2005, c. 332, §1 (AMD). PL 2005, c. 683, §A3 (AMD). PL 2007, c. 248, §1 (AMD).

§807-B. Authorized immigration and nationality law assistance

1. Short title. This section may be known and cited as "the Immigration and Nationality Law Assistance Act."

[PL 2005, c. 629, §1 (NEW).]

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensation" means money, property, the reciprocal exchange of services or anything else of value. [PL 2005, c. 629, §1 (NEW).]

B. "Federally authorized immigration representative" means an attorney who is admitted to and in good standing before the bar of a state of the United States other than Maine, or other person who is authorized to represent another in immigration and nationality law matters to the extent allowed under federal law or regulations, including 8 Code of Federal Regulations, Sections 292.1 and 1292.1 (1996), with such representation specifically limited to federal immigration and nationality law matters. [RR 2005, c. 2, §2 (COR).]

C. "Immigration and nationality law assistance" means assistance on an immigration and nationality law matter. [PL 2005, c. 629, §1 (NEW).]

D. "Immigration form" means a form created by the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor, the United States Department of State or other federal agency charged with implementing federal immigration and nationality laws for use in an immigration and nationality law matter. [PL 2005, c. 629, §1 (NEW).]

E. "Immigration and nationality law matter" means any application, proceeding, filing or other action before an agency of the United States Department of Homeland Security, the United States

Department of Justice, the United States Department of Labor or the United States Department of State or other federal agency charged with implementing federal immigration and nationality laws regarding the nonimmigrant, immigrant or citizenship status of or the admission to or removal from the United States of a person that arises from the application of a federal immigration and nationality law, executive order or presidential proclamation. [PL 2005, c. 629, §1 (NEW).]

F. "Nonlegal immigration and nationality law assistance" is limited to:

- (1) Translating from English into a customer's primary language questions on an immigration form selected by the customer so that the customer can understand the questions and does not include advising the customer as to the appropriateness of the immigration form selected by the customer or suggesting which immigration form to use;
- (2) Translating from a customer's primary language into English and otherwise transcribing to an immigration form the customer's answers to questions on that form and does not include advising the customer as to the appropriateness of the immigration form selected by the customer or suggesting which immigration form to use or as to the customer's answers on that immigration form;
- (3) Securing or assisting the customer to secure supporting documents currently in existence, such as birth and marriage certificates, that may be needed for submission with immigration forms and does not include drafting of affidavits or other documents that may need to accompany immigration forms; and
- (4) Making referrals for legal representation with respect to an immigration and nationality law matter to an attorney admitted to and in good standing before the bar of the State or to a federally authorized immigration representative duly authorized by federal law and regulations to undertake such representation. [PL 2005, c. 629, §1 (NEW).]

[RR 2005, c. 2, §2 (COR).]

3. Nonlegal immigration and nationality law assistance authorized. A person offering immigration and nationality law assistance may offer or provide only nonlegal immigration and nationality law assistance, except, however, that an attorney admitted to and in good standing before the bar of the State or a federally authorized immigration representative may provide immigration and nationality law assistance in the form of representation to the extent authorized by federal laws and regulations in immigration proceedings before agencies of the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor or the United States Department of State or other federal agency charged with carrying out the implementation of federal immigration and nationality laws.

Nothing in this section is intended to nor does it authorize either an attorney who is not admitted to and in good standing before the bar of the State or a federally authorized immigration representative to offer legal opinions or general legal advice regarding state laws or to represent another before any state court, administrative agency or other forum charged with interpreting or implementing state laws.

[PL 2005, c. 629, §1 (NEW).]

4. Prohibited activities. In the course of dealing with customers or prospective customers, a provider of immigration and nationality law assistance may not:

- A. Make a statement that the provider of immigration and nationality law assistance can or will obtain special favors from or has special influence with an agency or a tribunal of the United States Government or of any state government; [PL 2005, c. 629, §1 (NEW).]
- B. Retain compensation for services not performed; [PL 2005, c. 629, §1 (NEW).]
- C. Refuse to return documents supplied by, prepared by, paid for by or obtained on behalf of the customer and requested by the customer, regardless of whether there is outstanding compensation

owed to the provider of immigration and nationality law assistance by the customer or a fee dispute between the provider of immigration and nationality law assistance and the customer; [PL 2005, c. 629, §1 (NEW).]

D. Fail to complete and sign, in the space provided, an immigration form that requests the preparer's name, address, telephone number or signature, even if the provider of immigration and nationality law assistance has only provided nonlegal immigration and nationality law assistance in the preparation of the immigration form; [PL 2005, c. 629, §1 (NEW).]

E. Provide legal advice regarding immigration and nationality law matters, including selecting immigration forms for a customer or advising a customer as to the appropriateness of the forms the customer has selected or as to the customer's answers to the questions on the forms, unless the provider of immigration and nationality law assistance is an attorney admitted to and in good standing before the bar of the State or is a federally authorized immigration representative; or [PL 2005, c. 629, §1 (NEW).]

F. Represent or advertise or provide notice in any way or manner, including, but not limited to, the assertion of a title or credential such as "notario," "immigration consultant," "immigration agent," "immigration assistant" or "attorney," that could cause a customer to believe that the provider of immigration and nationality law assistance is authorized to practice law in the State or possesses special skill or expertise in immigration and nationality law matters unless the provider is an attorney admitted to and in good standing before the bar of the State or is a federally authorized immigration representative. A federally authorized immigration representative whose principal place of business is in the State shall give verbal notice to customers that the federally authorized immigration representative is not an attorney admitted to the bar of the State and may not give general legal advice or representation under state law and shall also include language in any written advertisement, notice or contract for services that clearly conveys that the federally authorized immigration representative is not an attorney admitted to practice law in the State and may not give general legal advice or assistance under state law. [PL 2005, c. 629, §1 (NEW).]

[PL 2005, c. 629, §1 (NEW).]

5. Unfair method of competition or unfair and deceptive act or practice. A violation of this section substantially affects the public interest and constitutes an unfair method of competition and a deceptive act or practice in the conduct of trade or commerce for purposes of the Maine Unfair Trade Practices Act.

[PL 2005, c. 629, §1 (NEW).]

6. Civil violation. A violation of this section constitutes a civil violation for which a fine of not more than \$5,000 may be adjudged.

[PL 2005, c. 629, §1 (NEW).]

7. Civil action. In addition to any other remedy that may be available, a customer who is aggrieved by a violation of this section may initiate a civil action in the Superior Court against the violator for injunctive relief or damages or both. If the court finds a violation of this section, the court may award to the customer:

A. An amount equal to actual damages sustained by the customer as a result of the violation; [PL 2005, c. 629, §1 (NEW).]

B. An amount equal to 3 times the actual damages; and [PL 2005, c. 629, §1 (NEW).]

C. The costs of the action together with reasonable attorney's fees as determined by the court. [PL 2005, c. 629, §1 (NEW).]

[PL 2005, c. 629, §1 (NEW).]

8. Attorney General action; report. Whenever the Attorney General has reason to believe that a person within the State has engaged in or is engaging in activities that violate this section, the Attorney

General may initiate an action in the Superior Court to enforce this section. The Attorney General, by January 1, 2007, and every January 1st thereafter, shall submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the number and circumstances of all investigations that the Department of the Attorney General has initiated in the preceding year relating to violations of this section.

[PL 2005, c. 629, §1 (NEW).]

SECTION HISTORY

RR 2005, c. 2, §2 (COR). PL 2005, c. 629, §1 (NEW).

§808. Action for injunction

Upon the Attorney General's 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 professes to be rendering any service that 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. [RR 2021, c. 1, Pt. B, §25 (COR).]

The action may be maintained by any organized bar association in this State. [PL 1965, c. 92, §2 (NEW).]

SECTION HISTORY

PL 1965, c. 92, §2 (NEW). RR 2021, c. 1, Pt. B, §25 (COR).

§809. Investigation by Attorney General

(REPEALED)

SECTION HISTORY

PL 1965, c. 92, §2 (NEW). PL 1977, c. 696, §27 (AMD). PL 2007, c. 597, §3 (RP).

§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. [PL 1965, c. 92, §2 (NEW).]

SECTION HISTORY

PL 1965, c. 92, §2 (NEW).

§811. Person defined

"Person" means any individual, corporation, partnership or association. [PL 1965, c. 92, §2 (NEW).]

SECTION HISTORY

PL 1965, c. 92, §2 (NEW).

§812. Attorneys' Client Security Fund

(REPEALED)

SECTION HISTORY

PL 1991, c. 9, §E2 (NEW). PL 1991, c. 528, §E5 (RP). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E5 (RP).

SUBCHAPTER 2

REMOVAL AND RESIGNATION**§851. Information against attorney**

Whenever an information is filed in the office of the clerk of courts in any county by the Attorney General, or by a committee of the State Bar Association, or by a committee of the bar or bar association of such county, charging that an attorney at law has conducted that attorney's self in a manner unworthy of an attorney, or has become and is disqualified for the office of attorney and counselor at law, for reasons specified in the information, any Justice of the Supreme Judicial Court may, in the name of the State, issue a rule requiring the attorney informed against to appear on a day fixed to show cause why that attorney's name should not be struck from the roll of attorneys, or such other disciplinary measures imposed as the justice considers appropriate, which rule, with an attested copy of the information, must be served upon such attorney in such manner as the justice directs at least 14 days before the return day, and must be made returnable either in the county where such attorney resides or where it is charged that the misconduct was committed. [RR 2021, c. 1, Pt. B, §26 (COR).]

SECTION HISTORY

PL 1965, c. 309, §1 (AMD). RR 2021, c. 1, Pt. B, §26 (COR).

§852. Denial of charges; information to stand for hearing

If the attorney on whom such service has been made, on or before said return day files in the office of the clerk of courts in said county of return a denial of the charges specified in the information, the information shall thereupon stand upon the docket for hearing at such time and place as said justice shall order, upon such lawful evidence as may be produced either by the State or by the respondent.

§853. Proceedings on default or hearing

If such attorney fails to file that attorney's denial, the facts set forth in the information must be taken as confessed. If the justice finds that the facts so confessed are sufficient to disqualify the respondent from holding the office of attorney and counselor at law, or if, in case of denial, the justice upon hearing finds that any of the charges specified are true and that the acts proved are sufficient to disqualify the respondent, the justice shall give judgment accordingly, and shall enter a decree that the respondent be removed from the office of attorney and counselor at law in all the courts of the State and that the respondent's name be struck from the roll of attorneys. [RR 2021, c. 1, Pt. B, §27 (COR).]

If the justice upon the facts so confessed, or, in the case of denial, upon hearing, finds that any of the charges specified are true but that the acts proved are not sufficient to disqualify the respondent permanently from holding the office of attorney and counselor at law, the justice shall give judgment accordingly and may suspend such respondent from the practice of law for such period as the justice may consider appropriate, or impose such other disciplinary measures as the justice considers appropriate. [RR 2021, c. 1, Pt. B, §27 (COR).]

SECTION HISTORY

PL 1965, c. 309, §2 (AMD). RR 2021, c. 1, Pt. B, §27 (COR).

§854. Judgment final unless appealed

The judgment of such justice is final unless the respondent within one week files an appeal therefrom to the law court by entering the respondent's claim therefor upon the docket. [RR 2021, c. 1, Pt. B, §28 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §28 (COR).

§855. Appeals

The appeal must be heard upon printed copies of the case furnished by the respondent at the next law term. If the case is not argued, it must be decided upon the record, and if the respondent fails to enter an appeal with the printed copies of the case during the first 3 days of said law term, the counsel for the prosecution shall enter the appeal with an attested copy of the judgment and decree, whereupon the same must be affirmed by the law court. [RR 2021, c. 1, Pt. B, §29 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §29 (COR).

§856. Conduct of prosecution

The prosecution shall be conducted by the district attorney for the county where the rule is returnable, unless the justice issuing the rule appoints some other suitable counsel to perform said duty. Compulsory process shall issue to compel the attendance of witnesses, and in case of decree of removal, judgment shall be rendered in behalf of the State against the respondent for full costs to be taxed by the court. [PL 1973, c. 567, §20 (AMD).]

SECTION HISTORY

PL 1973, c. 567, §20 (AMD).

§857. Interpretation of provisions

Sections 851 to 856 do not annul or restrict any authority hitherto possessed or exercised by the courts over attorneys.

§858. Resignation and reinstatement of attorneys

Any member of the bar of this State may resign from the office of attorney and counselor at law by submitting that member's resignation to any Justice of the Supreme Judicial Court, who may or may not, in that justice's discretion, in the name of the State of Maine accept such resignation and order that such attorney's name be stricken from the roll of attorneys of the State. A person whose resignation from the office of attorney and counselor at law has been accepted by a Justice of the Supreme Judicial Court may not be readmitted to the practice of law in any of the courts of the State or entitled to practice law within this State unless and until that person has been reinstated as an attorney and counselor at law by a Justice of the Supreme Judicial Court. The procedure for such reinstatement must be the same as in the case of attorneys who have been disbarred. [RR 2021, c. 1, Pt. B, §30 (COR).]

SECTION HISTORY

RR 2021, c. 1, Pt. B, §30 (COR).

§859. False advertising or representation to be an attorney

If a person who has not been admitted to practice law in this State or whose name has been struck from the roll of attorneys advertises as or represents that person to be an attorney or counselor at law, that person is guilty of a Class E crime. [RR 2021, c. 1, Pt. B, §31 (COR).]

SECTION HISTORY

PL 1977, c. 696, §28 (RPR). RR 2021, c. 1, Pt. B, §31 (COR).

§860. Management of causes by parties or counsel

Parties may plead and manage their own causes in court or do so by the aid of such counsel as they see fit to employ. No person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other party or be eligible for appointment as a notary public. [PL 1981, c. 456, Pt. A, §6 (AMD).]

SECTION HISTORY

PL 1981, c. 456, §A6 (AMD).

SUBCHAPTER 3
CENTRAL REGISTER

§901. Establishment and maintenance

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§902. Preparation

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§903. Revision

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§904. Register as evidence

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

§905. Certificates

(REPEALED)

SECTION HISTORY

PL 1971, c. 115, §§1,2 (AMD). PL 1979, c. 13, §6 (RP).

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