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Charles K. Leadbetter
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Nancy A. Wanderer
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UNIFORM MAINE CITATIONS

2011 Edition

**University of Maine
School of Law**



Leigh Ingalls Saufley
Chief Justice

State of Maine Supreme Judicial Court

August 25, 2011

Mailing Address:
205 Newbury Street
Room 139
Portland, Maine 04101-4125
Tel: (207) 822-4286

To the Members of the Bench, the Bar, and Law Students in the State of Maine

Over the past twenty-eight years, *Uniform Maine Citations* has become an important guide to the form of citation appropriate for use in Maine. Professor Nancy Wanderer, Attorney Charles Leadbetter, and a group of dedicated law students, with support and suggestions from Justices and Law Clerks of the Supreme Judicial Court, have earned our appreciation for the work they have done in creating this 2011 Edition of *Uniform Maine Citations*.

The new edition is significantly modified to reflect dramatic changes in legal research practices in recent decades. As revised, the 2011 edition continues to provide direction for proper citation form and format, and it is expanded to provide guidance for locating Maine specific legal research materials in print and electronic formats. The new edition will be available to all on the Maine Law Review website. It is planned to be updated at least annually by members of the Maine Law Review and others to keep current with developments in the rapidly changing world of electronic legal research.

I commend the University of Maine School of Law and the Maine Law Review for publishing *Uniform Maine Citations* and for their many other contributions to the cause of legal writing and scholarship in Maine.

Sincerely yours,

/S/

Leigh Ingalls Saufley
Chief Justice
Maine Supreme Judicial Court

UNIFORM MAINE CITATIONS (2011 ed.)

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Communications and comments should be sent to:

Managing Editor
Maine Law Review
246 Deering Avenue
Portland, ME 04102

mlr-editor@usm.maine.edu

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PREFACE

Beginning with the 2010 edition and continuing with the 2011 edition, *Uniform Maine Citations* undertakes to provide annually updated guidance for the location and proper form for citation to Maine-specific primary and secondary sources of legal research and writing. This annual edition represents a significant departure from the original three editions in several important respects. First, it will be published on the *Maine Law Review* web site and updated at least annually to recognize new developments and new sources of Maine-related legal research. Because *Uniform Maine Citations* will be published and regularly updated on-line, and can be downloaded and printed from the web site, no separate print publication will be prepared. Second, this edition recognizes that today most legal research, at least for primary sources, is conducted using electronic legal research methods. Accordingly, this edition includes greater guidance for identification of and citation to electronic sources. Third, *Uniform Maine Citations* is reorganized so that similar types of references appear together. The organization is grouped by primary or secondary research materials, including subdivisions for (1) statutory and legislative materials, including constitutions, statutes, legislative documents, and municipal ordinances; (2) court decisions, rules, and documents; (3) executive agency regulations, reports, and other documents; and (4) secondary materials that analyze and interpret the primary materials, including Maine-specific treatises, practice books, and legal periodicals.

Beyond guidance for proper citation, the primary and secondary sources identified in this edition constitute a useful catalogue of materials available to support research into Maine laws, judicial opinions, and legal issues. Further, this edition identifies the major law libraries and the state and federal court and state government web sites that provide free access to primary sources for Maine-specific legal research materials.

This substantial revision of *Uniform Maine Citations* was initiated by and has been prepared under the direction of Professor Nancy A. Wanderer, Director of the Legal Research and Writing Program at the University of Maine School of Law. Significant assistance has been provided by Donald G. Alexander, Associate Justice of the Maine Supreme Judicial Court and an Adjunct Faculty Member at the Law School; Charles K. Leadbetter, Special Assistant Attorney General and an original author of *Uniform Maine Citations* when first published in 1983; and William Olver and Christopher Rauscher, 2011-12 Production Editors of the *Maine Law Review* who made the substantive changes. Important support and suggestions for proper form of citations has been provided by Rose Everitt and Crystal Bulges, Senior Law Clerks for the Maine Supreme Judicial Court and former editors of the *Maine Law Review*.

We hope the 2011 edition of *Uniform Maine Citations* provides useful guidance to the bench, the bar, law students, and the public in locating, using, and citing to sources and materials supporting Maine legal research.

August 2011

INTRODUCTION: LOCATION AND CITATION OF RESEARCH MATERIALS

A. *Locating Research Materials*

Most research materials identified in this edition can be located in print at the three major law libraries in Maine: the Maine State Law and Legislative Reference Library, located in the State Capitol Building in Augusta; the Donald Garbrecht Law Library at the University of Maine School of Law, located at the Law School in Portland; and the Cleaves Law Library, located in the Cumberland County Courthouse in Portland. In addition to having the print materials available, each of these law libraries has a web site and materials that can provide guidance to support on-scene or on-line legal research efforts. The library web sites each provide links to other web sites that provide free access to primary materials – constitutions, statutes, regulations, ordinances, court opinions, and court rules – for legal research.

The Maine law library web sites can be located using the library name and most common web search applications. Alternatively the web address of the library may be used and saved for repeat use. Following is the web address for each principal Maine law library:

1. The Maine State Law and Legislative Reference Library is accessible at www.maine.gov/legis/lawlib;
2. The Donald Garbrecht Law Library at the University of Maine School of Law is accessible at www.maine.edu/library;
3. The Cleaves Law Library is accessible at www.cleaves.org.

Other web sites providing free access to primary materials for legal research relating to Maine issues include:

1. The Maine Judicial Branch (or Maine Courts), www.courts.state.me.us/, for Maine Supreme Judicial Court opinions, court rules and amendments, administrative orders, and information about the Maine courts and related entities regulating bar admissions and the professional conduct of judges and attorneys.
2. State of Maine government, www.maine.gov, for access to information and web sites for all State executive agencies and the legislative and judicial branches of State government.
3. State agency administrative rules and regulations, www.maine.gov/sos/cec/rules/.
4. Maine Revised Statutes, www.mainelegislature.org/legis/statutes/, for currently effective versions of the Maine Revised Statutes, except that in the fall there may be a gap between the time when most amendments enacted in the current year become

effective and the time that all amendments are incorporated into the Maine Revised Statutes.

5. The Maine Legislature, www.maine.gov/legis/, for statutes, recently enacted laws not yet incorporated into the Maine Revised Statutes, bills, amendments and other materials related to legislative activity and information about the Maine Legislature.
6. The United States Supreme Court, www.supremecourt.gov, for opinions, court rules, briefs and transcripts of oral arguments, and other information about the Court.
7. The United States Court of Appeals for the First Circuit, www.ca1.uscourts.gov, for court opinions, rules, and other information about the Court of Appeals and practice before the First Circuit.
8. The United States District Court for the District of Maine, www.med.uscourts.gov, for court opinions, rules, and other information about the U.S. District Court and practice before that court.

B. Citation Practices

1. General References

Proper citation of sources and materials used in legal research and writing enables one to find the referenced source in order to review it in detail or to check for the accuracy of the reference to the source. This edition of the Uniform Maine Citations provides uniform citations for materials used in legal research and writing relating to Maine issues. When this edition does not provide guidance for proper citation format, users should consult the comprehensive national citation practice books, *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 19th ed. 2010) or *ALWD Citation Manual: A Professional System of Citation* (4th ed. 2010).

When guidance for citation to a particular source cannot be found, the writer should develop a citation that will enable the writer and any other person to find the source for review if desired. A citation should include (1) the name and author, if any, of the internal article or subdivision specifically discussed; (2) the name of the publication in which the source appears; (3) the page number or other identifier of the referenced source within the publication; (4) the date of the publication; and (5) if the source was viewed on a web site, the date of the visit to the web site. For example: *Data and transparency: of governments and geeks*, *The Economist*, 65 (Feb. 6-12, 2010); Aaron S. Bayer, *The collateral order doctrine after 'Mohawk,'* *The National Law Journal*, 14 (Feb. 8, 2010).¹

¹ Capitalization, or lack thereof, is as it appears in the publication.

2. *References to Web Site Sources*

Today, web-based research is the primary method for identifying and reviewing most materials used in legal research and writing. There is lingering concern as to whether reference material found on the web is authentic, accurate, and current. However, experience indicates minimal basis for these concerns when utilizing the web site of a court or other government agency that has published a particular document, or web sites of government or academic law libraries that have uploaded their material from or hyperlinked to the original government source. The same may be said of the principal commercial legal research sources, LEXIS and Westlaw, which have uploaded their material from the original source and added content like additional citations, new page numbers, and headnotes, without changing the original text. In fact, web-based sources may be more accurate and current than print sources because copies of official documents are added to court or agency web sites as they are published, and changes in documents like administrative or court rules, and occasional changes in administrative orders or court opinions, are often incorporated into web publications as soon as the change is made or takes effect.

Although electronic research can yield results as authentic and accurate, and more current, than printed materials research, citation to such materials should utilize the same uniform citation formats as are applied to print materials whenever possible. Contrary to *The Bluebook* recommendation in Rule 18 that URL codes be used for citations to electronic legal research sources, this edition recommends that the commonly recognized name of the web site and the appropriate category heading within the web site be used as an alternative to URL codes. Experience has indicated that (1) URL codes may be subject to change each time a web site format changes;² (2) many URL codes now are a line or more long; and (3) a single keyboarding error in entry can render the citation useless.

When a uniform citation is insufficient and citation to a web source is required, the citation to a source found on a web site may use the recognized name of the web site, the category heading on the web site under which the material was found, and the date that the web site was visited. The citation itself would then provide the remaining guidance to access the document file on the web site. Thus:

- The January 2001 advisory notes to Rule 7 of the Maine Rules of Appellate Procedure, accessed on the Maine Judicial Branch web site, would be cited as follows:

M.R. App. P. 7, advisory notes, January 2001, Me. Judicial Branch web site/
Rules (visited January 19, 2010).

² For instance, the URL code for the third edition of *Uniform Maine Citations* changed between the initial draft and the final draft of the 2010 edition.

- A United States Supreme Court opinion without an available proprietary cite, accessed on that Court's web site, would be cited as follows:

NRG Power Marketing, LLC v. Maine Public Utilities Comm'n, 558 U.S. ___, No. 08-674 (Jan. 13, 2010), United States Supreme Court web site/Opinions (visited January 17, 2010).

- A Maine Department of Environmental Protection hearing notice regulation, accessed on the Maine Secretary of State's web site, would be cited as follows:

06-096 C.M.R. ch. 20, § 2(B) (2008), Me. Secretary of State web site/State Agency Rules (visited January 31, 2010).

3. *Abbreviations*

Abbreviation practice for this edition generally follows the practices recommended in *The Bluebook* Rule 12.9.3. However, for writing prepared for Maine courts or another forum or audience limited to Maine, this edition recommends that for citation to Maine statutes and rules, the abbreviation "Me." not be used, and that, consistent with general Maine citation practice, only the letter "M." be used. Thus, by example:

"M.R. App. P." means the Maine Rules of Appellate Procedure.

"M.R. Civ. P." means the Maine Rules of Civil Procedure.

"M.R. Crim. P." means the Maine Rules of Criminal Procedure.

"M.R. Evid." means the Maine Rules of Evidence.

"M.R.S." means the Maine Revised Statutes.

"M.R.S.A." means the Maine Revised Statutes Annotated.

Appeals to the Maine Supreme Judicial Court, sitting as the Law Court when it considers appeals, have docket numbers that include the abbreviation of the county of origin of the appeal. For example, And-10-696. The only exceptions are direct appeals from the Public Utilities Commission (PUC), the Board of Environmental Protection (BEP), the Business and Consumer Docket (BCD), the Workers' Compensation Board (WCB), and some appeals limited to criminal sentences (SRP).

Maine Superior Court cases and decisions also have docket numbers that include an abbreviation for the county where the case was filed. For purposes of citation to docket numbers, Maine county names should be abbreviated. The abbreviation should use the first three letters of the county’s name, as follows:

Androscoggin.....	And
Aroostook.....	Aro
Cumberland.....	Cum
Franklin.....	Fra
Hancock.....	Han
Kennebec.....	Ken
Knox.....	Kno
Lincoln.....	Lin
Oxford.....	Oxf
Penobscot.....	Pen
Piscataquis.....	Pis
Sagadahoc.....	Sag
Somerset.....	Som
Waldo.....	Wal
Washington.....	Was
York.....	Yor

The county name is not abbreviated when a trial court is itself referenced in a judicial opinion or other legal writing: “Superior Court (Lincoln County, *Cole, J.*)”; “Knox County Probate Court (*Emery, J.*)”

PRIMARY SOURCES

I. CONSTITUTIONS

The *Uniform Maine Citations* format for Constitutions generally follows *The Bluebook* Rule 11 and *ALWD Citation Manual* Rule 13.

A. *United States Constitution*

Provisions of the Constitution of the United States should be cited as follows:

U.S. Const. preamble.

U.S. Const. art. I, § 9, cl. 3.

U.S. Const. amend. XIV, § 1.

B. *Maine Constitution*

1. Provisions of the Maine Constitution currently in effect should be cited as follows:

Me. Const. preamble.

Me. Const. art. I, § 5.

Me. Const. art. IV, pt. 1, § 3.

Me. Const. art. I, § 9, cls. 1, 5.

2. Provisions of the Maine Constitution that have been repealed or amended should be cited as follows:

Me. Const. art. I, § 16 (1819, amended 1987).

C. *Debates and Journal of the Maine Constitutional Convention*

The Debates and Journal of the Maine Constitutional Convention should be cited as follows:

Debates and Journal of the Constitutional Convention of the State of Maine (1819-1820)
159 (1894).

D. Constitutional Commissions

1. Constitutional Commission of 1875

The Constitutional Commission of 1875 proposed seventeen separate amendments to the Maine Constitution. The Commission's proposed amendments, which appear as proposed resolves among the legislative documents of the 54th Legislature (1875), should be cited by reference to the number and title assigned them by the Commission as follows:

Const. Comm'n 1875, Proposed Amend. No. 5 (Apportionment of Representatives).

2. Constitutional Commission of 1963

The four reports of the 1963 Constitutional Commission should be cited as follows:

L.D. 33 at 2 (101st Legis. 1963).

L.D. 631 at 3-4 (101st Legis. 1963).

L.D. 1394 at 4 (101st Legis. 1963).

L.D. 1476 at 8 (101st Legis. 1963).

II. STATUTES AND ORDINANCES

The *Uniform Maine Citations* format for Statutes and Ordinances generally follows *The Bluebook* Rule 12 and *ALWD Citation Manual* Rule 14. The *Uniform Maine Citations* formats for related legislative materials should be used in place of *The Bluebook* Rule 13 and *ALWD Citation Manual* Rules 15 and 16 where they differ.

A. *Maine Revised Statutes (M.R.S.) and Maine Revised Statutes Annotated (M.R.S.A.)*

In its opinions, the Law Court cites to Maine Revised Statutes (M.R.S.) for current statutes and Maine Revised Statutes Annotated (M.R.S.A.) for statutes dated 2004 and earlier. Citation to either is acceptable in practice.

Maine Revised Statutes is a set of softbound volumes that West publishes annually without any annotations. The Maine Revised Statutes are the general laws governing the State of Maine. They may be found in many law libraries and larger public libraries. The Maine Revised Statutes may also be found on the Maine Legislature’s website. As an example of a citation to a Maine statute, 14 M.R.S. § 1851 means the referenced statute can be found in the statute books or on-line by looking for title 14 and then section 1851. The Maine Revised Statutes are organized into thirty-nine general categories or “titles.” Titles are subdivided into individual “sections.” Most titles also have an intermediate division into “chapters,” but chapter numbers are not included in citations to statutes.

When citing to Maine Revised Statutes for a statute currently in effect, include parenthetically the year of publication of the softbound volume.

1. A statute currently in effect should be cited as follows:

1 M.R.S. § 402(3) (2009).

2. Subsections, paragraphs, and multiple paragraphs of the Maine Revised Statutes should be cited as follows:

17-A M.R.S. § 360(1)(A), (B) (2009).

3. Consecutive sections or subsections should be cited by inclusive section or subsection numbers, not “*et seq.*,” as follows:

16 M.R.S. §§ 611-622 (2009).

4. A law that has been modified by an amendment in effect before the annual republication of Maine Revised Statutes should be cited as follows:

14 M.R.S. § 2401(3) (2008), *amended by* P.L. 2009, ch. 402, § 9 (emergency, effective June 15, 2009). [The “emergency” reference would appear only when an

amendment is enacted as emergency legislation, to take effect immediately upon the Governor's signature.]

5. There will be a time in the fall of each year when laws enacted by the Legislature, and in effect in that year, will be incorporated into the electronic version of the Maine Revised Statutes that appears on the Maine Legislature's website, before publication of the softbound edition of the Maine Revised Statutes for that year. If it is necessary to cite to the amended version of a statute or a newly enacted statute as it appears on the Legislature's website, before publication of the softbound volume, the statute should be cited as follows:

14 M.R.S. § 6321-A (2009) Maine Legislature Website/Statutes (visited Nov. 18, 2009).

Maine Revised Statutes Annotated is a set of hardbound volumes published by West. It is supplemented by annual pocket parts and, for some volumes, by separate pamphlets when there have been major statutory revisions. In addition to statutes and the Maine and U.S. Constitutions, *Maine Revised Statutes Annotated* includes a history of the development of Maine laws, a brief legislative history of each section, and brief head notes referencing Law Court, First Circuit, and United States District Court for the District of Maine opinions, and occasionally other sources that have discussed the section or previous versions of the section.

Citations to the *Maine Revised Statutes Annotated* should include reference to the title, section, subsection, and, in parentheses, to the year of copyright of the hardbound volume or supplement in which the statutory provision appears or, if a statute currently in force is accessed on line, the date that the database was accessed.

1. Sections contained entirely in a hardbound volume should be cited as follows:

26 M.R.S.A. § 625 (2007).

2. Sections contained entirely in a pocket supplement should be cited as follows:

22 M.R.S.A. § 2949 (Supp. 2008).

3. Sections, the provisions of which are cited in both a hardbound volume and its pocket supplement, should be cited as follows:

22 M.R.S.A. § 2705 (2004 & Supp. 2008).

4. Sections contained in a separate softbound pamphlet, rather than a pocket supplement, should be cited as follows:

11 M.R.S.A. § 9-1101 (Pamph. 2008).

5. Subsections and paragraphs of the Maine Revised Statutes Annotated should be cited as follows:

17-A M.R.S.A. § 360(1)(A), (B) (2006).

6. Statutes no longer in effect should be cited as follows:

17 M.R.S.A. §§ 2651-2657 (1964), *repealed by* P.L. 1975, ch. 499, § 15 (effective May 1, 1976).

7. A version of a statute that has since been modified by an amendment should be cited as follows:

17 M.R.S.A. § 317 (1983), *amended by* P.L. 1999, ch. 74, § 2.

8. Consecutive sections or subsections should be cited by inclusive section or subsection numbers, not “*et seq.*,” as follows:

16 M.R.S.A. §§ 611-622 (2006 & Supp. 2008).

B. Maine Revised Statutes: 1841 to 1954

1. Before their last complete revision in 1964, the Maine Revised Statutes were revised nine times from 1841 to 1954. Statutory provisions appearing in these earlier revisions were not set forth by title and section number, but by chapter and section number. Sections contained in these nine revisions should be cited by reference to chapter and section number and year of the revision as follows:

R.S. ch. 171, § 22 (1841).

R.S. ch. 133, § 14 (1857).

R.S. ch. 133, § 16 (1871).

R.S. ch. 133, § 16 (1883).

R.S. ch. 134, § 18 (1903).

R.S. ch. 135, § 18 (1916).

R.S. ch. 145, § 18 (1930).

R.S. ch. 134, § 18 (1944).

R.S. ch. 147, § 18 (1954).

2. Sections contained in a supplement to the 1954 revision should be cited as follows:

R.S. ch. 146, § 8 (Supp. 1961).

3. If for some reason citation cannot be made to one of these earlier revisions of the revised statutes, the statute should be cited by reference to the session law enacting it.

C. Commentary

1. Comments to Maine statutory provisions, with the abbreviation “cmt.” used in place of the term “comment,” should be cited as follows:

18-A M.R.S.A. § 1-106 cmt. (1998).

17-A M.R.S.A. § 202 cmt. to former § 203 (2006).

11 M.R.S.A. § 9-403 cmt. (Pamph. 2001).

2. Comments to uniform acts or model codes that appear in the Maine Revised Statutes Annotated, if citation to the Uniform Law rather than the Maine statute or Maine comment is necessary, should be cited by the uniform act or model code provision and the year of the comment as follows:

U.C.C. § 4-203 cmt. (1995).

Unif. Probate Code § 3-607 cmt. (1998).

D. Session Laws

Maine session laws should be cited by the year, chapter number, and, where applicable, the section number. Enactments passed in even-numbered years since 1920 are cited by reference to the preceding odd-numbered year. When the effective date of an enactment has special significance, it should be included.

1. Public Laws should be cited as follows:

P.L. 2009, ch. 402, § 18.

P.L. 2009, ch. 402, § 18 (emergency, effective June 15, 2009). [The “emergency” reference would appear only when an amendment is enacted as emergency legislation, to take effect immediately upon the Governor’s signature.]

2. Private and Special Laws should be cited as follows:

P. & S.L. 2007, ch. 45.

3. Resolves should be cited as follows:

Resolves 2007, ch. 183.

4. Constitutional Resolutions should be cited as follows:

Const. Res. 1977, ch. 6, *passed in 1978*.

5. Legislative addresses by the Governor, the Chief Justice or others and proclamations of constitutional amendments should be cited by the year and page or pages of the Laws of Maine, as follows:

2009 Me. Laws 1499 (State of the Judiciary address of Chief Justice Leigh I. Saufley to first regular session of 124th Legis.).

E. Revisor's Report

The annual Revisor's Report made by the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 95, in the course of the update of the statutory database by that office appears in the annual publication of the Laws of the State of Maine. It should be cited by the year, chapter number, the section number, and section revised, as follows:

R.R. 2007, ch. 2, § 3, reallocating 12 M.R.S.A. § 6038, explanation.

F. Bills and Amendments to Bills

1. Legislative Documents

Legislative documents ("bills") should be cited by the legislative document number; where appropriate, the particular section of the bill, the summary, or the statement of fact; the session number of the legislature that considered the bill; and the year. The senate paper or house paper number assigned to the bill is omitted from the citation form both for brevity and because this number is not particularly helpful as a research device. Legislative documents should be cited as follows:

L.D. 1439 (124th Legis. 2009).

L.D. 1456, § 3 (124th Legis. 2009).

L.D. 1460, Summary (124th Legis. 2009).

L.D. 1989, Statement of Fact (110th Legis. 1982).

Include a pinpoint citation as follows:

L.D. 2464, Statement of Fact, § A-8, at 216 (115th Legis. 1992).

2. *Amendments*

A committee, senate, or house amendment should be cited by the letter assigned the amendment, the legislative document amended (and where appropriate the amendment being amended), the filing number of the amendment, the session number of the legislature that considered the amendment, and the year, as follows:

Comm. Amend. A to L.D. 1447, No. S-202 (124th Legis. 2009).

House Amend. A to L.D. 1447, No. H-521 (124th Legis. 2009).

Sen. Amend. A to Comm. Amend. A to L.D. 1434, No. S-272 (124th Legis. 2009).

G. Legislative Debate

1. Pages of the Maine Legislative Record ordinarily should be cited by reference to the volume number (where appropriate), page, and year. Note that, starting in 1991, the page numbering differentiates between the Legislative Record for the House (H) and the Senate (S).

Legis. Rec. 745 (1943).

1 Legis. Rec. 655 (1979).

3 Legis. Rec. S-1856 (2d Reg. Sess. 2002).

2 Legis. Rec. H-1523 (2d Reg. Sess. 2006).

2. Some volumes of the Legislative Record contain debate for both a regular session and one or more special sessions. In such cases the debate at the special session(s) is repaginated.

Citation to debate in these volumes should include reference to the regular or special session during which the debate occurred, as follows:

3 Legis. Rec. S-1873 (2d Reg. Sess. 2002).

2 Legis. Rec. H-1100 (2d Spec. Sess. 2005).

H. Journals of the Senate and House

Pages of the Journal of the Senate of the State of Maine and the Journal of the House of Representatives of the State of Maine should be cited as follows:

Sen. Jour. 2577 (121st Legis. 2004).

House Jour. 2911 (123rd Legis. 2008).

Copies of the journals are available at the State Law Library, the Secretary of State (Archives), and the office of the branch of the Legislature producing the particular journal.

I. Reports of Joint Standing Committees and Joint Select Committees of the Legislature

A study report of a joint standing committee or joint select committee of the Legislature should be cited by reference to the title of the report, page, and date of publication (or year if precise date is unavailable).

Long-term Care in Maine: A Progress Report of the Joint Standing Committee on Health and Human Services iii (Jan. 2000).

Final Report of the Joint Select Committee on Research, Economic Development, and the Innovation Economy 8 (Dec. 2006).

J. Reports and Documents of Legislative and Gubernatorial Commissions

The Legislature or Governor from time to time will establish special commissions or committees to study an area of law and to issue a report on their findings. Occasionally the Legislature will establish the commission, typically by private and special law, but provide for appointment of its members by the Governor or other person(s). Citations to reports and other documents of these special commissions should include the name of the commission, the title of the report or document, page, and date of publication (or year if precise date is unavailable).

Commission to Study the Promotion, Expansion, and Regulation of the Harness Racing Industry, Final Report to the 123rd Legislature 1 (Dec. 2007).

Right to Know Advisory Committee, Second Annual Report to the 123rd Legislature (Jan. 2008).

K. Municipal Ordinances

A municipal ordinance that has been codified should be cited by reference to the municipality, code section or other subdivision, and the year of the code. An ordinance that is uncodified should be cited by reference to the municipality, name of the ordinance,

section or other subdivision (if applicable), and the date of the most recent version the ordinance that was in effect to govern the issues presented in the case or other legal writing, as with statutes.

Portland, Me., Code § 3-16 (Dec. 1, 2000).

Manchester, Me., Mobile Home Ordinance § 3 (Mar. 6, 1982).

Winthrop, Me. Zoning Ordinance § 2.2 (June 4, 1981) Town of Winthrop Website/Ordinances (visited Jan. 19, 2010).

III. COURT OPINIONS AND DOCUMENTS

The *Uniform Maine Citations* format for Court Opinions generally follows *The Bluebook* Rule 10 and *ALWD Citation Manual* Rule 12. This edition of the *Uniform Maine Citations* removes the need to use a parallel pincite for opinions of the Maine Supreme Judicial Court, beginning January 1, 1997 when the Court began to use a public domain citation with numbered paragraphs. Opinions from other jurisdictions that utilize a similar citation format to the Maine public domain citation may be cited accordingly. The *Uniform Maine Citations* format for court documents should be used in place of *The Bluebook* Rule 10.8.3 and *ALWD Citation Manual* Rule 12.19.

A. *Federal Court Decisions*

1. *Supreme Court of the United States*

- a. Decisions of the United States Supreme Court should be cited to the official reporter as follows:

Brendlin v. California, 551 U.S. 249 (2007).

- i. Pinpoint citations should reference page numbers in the following style:

Brendlin v. California, 551 U.S. 249, 251 (2007).

- b. Supreme Court decisions not yet reported with page numbers in the *United States Reports* should be cited to the *United States Reports* volume number that appears in the slip opinion and to an alternative source, in the following order of preference:

- i. Supreme Court Reporter:

Cone v. Bell, 556 U.S. ___, 129 S. Ct. 1769 (2009).

- ii. United States Supreme Court Reports, Lawyers' Edition:

Cone v. Bell, 556 U.S. ___, 173 L. Ed. 2d 701 (2009).

- iii. An on-line source such as LEXIS or Westlaw:

NRG Power Marketing, LLC v. Maine Public Utilities Comm'n, 558 U.S. ___, 2010 U.S. LEXIS 532 (Jan. 13, 2010).

- c. Unreported Supreme Court decisions should be cited to a service as follows:

Chumpia v. Wells Fargo Home Mortgage, 2009 WL 2832047 (U.S. Sept. 4, 2009).

Horne v. Flores, 77 U.S.L.W. 4611 (U.S. June 25, 2009).

Yeager v. United States, 85 Crim. L. Rep. 438 (U.S. June 18, 2009).

- d. For citations to Supreme Court opinions issued prior to 1875 and other special Supreme Court citation forms, see *The Bluebook: A Uniform System of Citation* 193 (Columbia Law Review Ass'n et al. eds., 19th ed. 2010), or *ALWD Citation Manual: A Professional System of Citation* 80 (4th ed. 2010).

2. *United States Court of Appeals for the First Circuit*

- a. Reported First Circuit decisions should be cited as follows:

McCreath v. Holder, 573 F.3d 38 (1st Cir. 2009).

- i. Pinpoint citations should reference page numbers in the following style:

McCreath v. Holder, 573 F.3d 38, 39 (1st Cir. 2009).

- b. Unreported First Circuit decisions or decisions not yet reported in the Federal Reporter should be cited as follows:

United States v. Gonzalez-Colon, 2009 U.S. App. LEXIS 20468 (1st Cir. Sept. 14, 2009).

United States v. Gonzalez-Colon, 2009 WL 2915669 (1st Cir. Sept. 14, 2009).

- c. First Circuit decisions in which a petition for certiorari has been filed should be cited as follows:

Charlesworth v. Mack, 925 F.2d 314 (1st Cir. 1991), *petition for cert. filed*, 60 U.S.L.W. 3562 (U.S. Jan. 21, 1992) (No. 92-212).

- d. First Circuit decisions in which a petition for certiorari has been granted should be cited as follows:

Pharmaceutical Research & Manufacturers of America v. Concannon, 249 F.3d 66 (1st Cir. 2001), *cert. granted*, 122 S. Ct. 2657 (U.S. June 28, 2002) (No. 01-188).

Note: Do not include the reference “*cert. granted*” after the Supreme Court decides the case.

- e. First Circuit decisions in which a petition for certiorari has been denied should be cited as follows:

De La Cruz v. United States, 514 F.3d 121 (1st Cir. 2008), *cert. denied*, 77 U.S.L.W. 3023 (No. 07-1602).

Note: Reference a denial of certiorari only when the denial of certiorari was within the past two years or if this information is particularly important to the discussion.

- f. Ceremonial proceedings reported in the Federal Reports series should be cited as follows:

Presentation of Portrait: Honorable Frank M. Coffin, Proceedings, 892 F.2d LXXXIX (1989).

3. *United States District Court for the District of Maine*

- a. Decisions of the United States District Court reported in the Federal Supplement should be cited as follows:

United States v. Berk, 614 F. Supp. 2d 86 (D. Me. 2009).

- i. Pinpoint citations should reference page numbers in the following style:

United States v. Berk, 614 F. Supp. 2d 86, 87 (D. Me. 2009).

- b. Decisions of the United States District Court reported in the Federal Rules Decisions should be cited as follows:

Trafford v. City of Westbrook, 256 F.R.D. 31 (D. Me. 2009).

- c. Unreported decisions of the United States District Court or decisions not yet reported in the Federal Supplement should be cited as follows:

United States v. Delaurentiis, 2009 U.S. Dist. LEXIS 66691 (D. Me. July 29, 2009).

United States v. Delaurentiis, 2009 WL 2341985 (D. Me. July 29, 2009).

- d. Unreported orders or other court actions or papers should be cited by docket number. Letters added to the docket number must be included in the citation because the letters are part of the official case designation. The first letter

identifies the court location, e.g., Bangor (B) or Portland (P), while the second letter, when appearing, signifies the specific District Court judge assigned, e.g., Chief Judge John A. Woodcock, Jr. (W), Judge D. Brock Hornby (H), or Judge George Z. Singal (S).

Horr v. Maine, Docket No. 09-CV-147-B-W (D. Me. Jan. 6, 2009).

The B-W indicates that the order was authored by Chief Judge Woodcock in Bangor.

4. *Bankruptcy Court*

- a. Decisions of the United States Bankruptcy Court for the District of Maine found in the *Bankruptcy Reporter* (1979-present) should be cited as follows:

In re Hutchins, 393 B.R. 257 (Bankr. D. Me. 2008).

- i. Pinpoint citations should reference page numbers in the following style:

In re Hutchins, 393 B.R. 257, 259 (Bankr. D. Me. 2008).

- b. Decisions of the United States Bankruptcy Court for the District of Maine found in a service should be cited as follows:

In re Hutchins, 2008 U.S. Dist. LEXIS 2291 (Bankr. D. Me. August 29, 2008).

In re Littlefield, 2008 WL 2170542 (Bankr. D. Me. May 20, 2008).

- c. Decisions of the Bankruptcy Appellate Panel for the District of Maine found in the *Bankruptcy Reporter* (1979-present) should be cited as follows:

In re Jamo, 262 B.R. 159 (B.A.P. 1st Cir. 2001).

- d. Decisions of the United States Court of Appeals for the First Circuit regarding bankruptcy should be cited as follows:

In re Pratt, 462 F.3d 14 (1st Cir. 2006).

B. *Maine Supreme Judicial Court Decisions*

1. Supreme Judicial Court Sitting as the Law Court

The Maine Supreme Judicial Court is referred to as the “Law Court” when sitting as an appellate court to hear and decide appeals.

- a. Law Court decisions issued on or after January 1, 1997, should be cited as follows:

Estate of Hoch v. Stifel, 2011 ME 24, 16 A.3d 137.

Dobson v. Secretary of State, 2008 ME 137, 955 A.2d 266.

- i. If no A.3d cite is available, cite as follows:

Belyea v. Shiretown Motor Inn, LP, 2010 ME 75, ___ A.3d ___.

- ii. Pinpoint citations should reference paragraph numbers assigned by the Law Court, but not the Atlantic Reporter page numbers, in the following style:

Estate of Hoch v. Stifel, 2011 ME 24, ¶ 11, 16 A.3d 137.

- iii. Acceptable short forms are as follows:

Hoch, 2011 ME 24, ¶ 12, 16 A.3d 137. (decision cited previously, but not in immediately preceding citation).

Id. ¶ 13. (decision cited in immediately preceding citation, but different paragraph of opinion).

Id. (same decision and paragraph as that cited in immediately preceding citation).

- iv. Footnotes should be cited as follows:

Estate of Hoch v. Stifel, 2011 ME 24, ¶ 10 n.2, 16 A.3d 137. (citation to footnote only).

Estate of Hoch v. Stifel, 2011 ME 24, ¶¶ 10 & 12 nn.2 & 3, 16 A.3d 137. (citation to footnotes only).

Estate of Hoch v. Stifel, 2011 ME 24, ¶¶ 10 & 12 & n.3, 16 A.3d 137. (citation to both the text of the opinion and the footnote).

- b. Law Court decisions issued on or after January 1, 1966, and before January 1, 1997, should be cited as follows:

Nolette v. O'Neil, 679 A.2d 1084 (Me. 1996).

- i. Pinpoint citations should reference page numbers in the following style:

Nolette v. O'Neil, 679 A.2d 1084, 1085 (Me. 1996).

- ii. Acceptable short forms are as follows:

Nolette, 679 A.2d at 1085. (decision cited previously, but not in immediately preceding citation).

Id. at 1086. (decision cited in immediately preceding citation, but different page).

Id. (same decision and page as that cited in immediately preceding citation).

- iii. Footnotes should be cited as follows:

Nolette v. O'Neil, 679 A.2d 1084, 1086 n.1 (Me. 1996).

- c. Law Court decisions issued after 1885 and before January 1, 1966 (215 A.2d 919 (Me. 1966)) should be cited, with parallel pinpoint citations, as follows:

Cook v. Colby College, 155 Me. 306, 310, 154 A.2d 169, 171 (1959).

- i. Pinpoint citations should reference page numbers in both reporters as follows:

Cook v. Colby College, 155 Me. 306, 310, 154 A.2d 169, 171 (1959).

- ii. Acceptable short forms are as follows:

Cook, 155 Me. at 310, 154 A.2d at 171. (decision cited previously, but not in immediate preceding citation).

Id. at 313, 154 A.2d at 172. (decision cited in immediate preceding citation, but at different page).

Id. 154 A.2d at 173. (decision cited in immediate preceding citation, but at different page in the second reporter)

Note: *Id.* may be used only to refer to the first reporter in a parallel citation. The second part of the parallel citation must always include the reporter and pinpoint citation. *Id.* may not be used alone in a parallel citation.

- d. Law Court decisions issued before 1885 should be cited as follows:

Huse v. Brown, 8 Me. 167, 169 (1831).

e. *Per Curiam* Law Court decisions

A “*per curiam*” decision, that is, a decision issued by the Law Court as a whole, or the panel of justices sitting on the particular appeal, and not signed by a particular justice, should be cited as follows:

Labonte v. Thurlow, 2009 ME 68, 974 A.2d 914 (*per curiam*).

f. Law Court Memoranda of decision

The Supreme Judicial Court has adopted M.R. App. P. 12(c), which addresses decisions issued by the Law Court. This Rule notes that a memorandum of decision does not establish precedent. The supporting advisory notes indicate that a memorandum of decision should not be cited as precedent in legal briefs, memoranda, or judicial opinions. Rule 12(c) replaces the Court’s “Administrative Order in Regard to Memoranda of Decision” dated February 9, 1989 (No. SJC-114). Rule 12(c) is discussed in detail in the August 2004 Advisory Note supporting adoption of Rule 12(c), which may be found at Maine Judicial Branch web site/Rules, or at pages 106-07 of Alexander, *Maine Appellate Practice* (3d ed. 2008).

A memorandum of decision has a separate citation format and should be cited as follows:

In re Nickayla P., Mem-09-141 (Aug. 20, 2009).

g. Law Court appeals that have not been decided should be cited by reference to the Law Court docket number and the date the appeal was docketed in the Law Court, as follows:

State v. Bailey, No. Pen-09-152 (Me. Mar. 18, 2009).

h. A Law Court decision in which a petition for certiorari has been filed should be cited as follows:

Great Northern Paper Co. v. Penobscot Nation, 2001 ME 68, 770 A.2d 574, *petition for cert. filed*, 70 U.S.L.W. 3163 (U.S. Aug. 29, 2001) (No. 01-381).

i. A Law Court decision in which a petition for certiorari has been granted but the case has not been decided should be cited as follows:

Camps Newfound/Owatonna v. Town of Harrison, 655 A.2d 876 (Me. 1995), *cert. granted*, 516 U.S. 1157 (1996).

- j. A Law Court decision in which a petition for certiorari has been denied should be cited as follows:

Ewing v. District Court of Maine, 2009 ME 16, 964 A.2d 644, *cert. denied*, 2009 U.S. LEXIS 4880 (No. 08-1419) (June 29, 2009).

Note: Reference a denial of certiorari only when the denial of certiorari was within the past two years or if this information is particularly important to the discussion.

- k. A Law Court decision from which an appeal has been dismissed should be cited as follows:

Seaborne v. County Comm'rs. of Washington County, 514 A.2d 1203 (Me. 1986), *appeal dismissed*, 484 U.S. 1053 (1988).

Note: Include the information about the appeal's dismissal only if it occurred within the past two years or if this information is particularly important to the discussion.

- l. A Law Court decision that has been affirmed by the United States Supreme Court should be cited as follows:

S.D. Warren Co. v. Bd. of Env'tl. Prot., 2005 ME 27, 868 A.2d 210, *aff'd*, 547 U.S. 370 (2006).

Maine v. Moulton, 481 A.2d 155 (Me. 1984), *aff'd*, 474 U.S. 159 (1985).

- m. A Law Court decision that has been vacated by the United States Supreme Court should be cited as follows:

Maine v. Patten, 436 A.2d 387 (Me. 1981), *vacated*, 457 U.S. 1114 (1982).

- n. A Law Court decision that has been modified on reconsideration should be cited as follows:

Maine Central Railroad v. Halperin, 379 A.2d 980 (Me. 1977), *modified*, 381 A.2d 8 (Me. 1977).

2. *Sentence Review for Propriety*

A sentence of any length may be appealed directly as a matter of right when the defendant claims that the sentence is illegal, imposed in an illegal manner, or beyond the jurisdiction of the court, and the illegality appears plainly in the record. *State v. Schmidt*, 2010 ME 8, ¶ 5, 988 A.2d 975; *State v. Grindle*, 2008 ME 38, ¶ 13, 942 A.2d 673. However, on direct appeal, the Law Court reviews only the legality, not

the propriety, of a sentence. *Schmidt*, 2010 ME 8, ¶ 5, 988 A.2d 975. Since 1989, review of sentences for propriety, usually involving a challenge to the length of the sentence, has been subject to a separate discretionary review process before the Sentence Review Panel pursuant to M.R. App. P. 20. Decisions of the Law Court following reference to the Court by the Sentence Review Panel are treated and cited like any other Law Court opinion. Before 1989, sentence review for propriety was conducted by the Appellate Division of the Supreme Judicial Court.

- a. Decisions of the former Appellate Division of the Supreme Judicial Court, which are not reported, should be cited as follows:

State v. Anderson, Nos. AD-78-37, 78-40 (Me. App. Div. June 30, 1980).

- b. Decisions of the Sentence Review Panel of the Supreme Judicial Court, which are not reported, should be cited as follows:

State v. Lakin, No. SRP-05-411 (Me. Sent. Rev. Panel Dec. 19, 2005).

State v. Joubert, No. SRP-91-11 (Me. Sent. Rev. Panel Mar. 5, 1990) (motion for reconsideration denied Apr. 16, 1991).

3. *Supreme Judicial Court Sitting as other than as the Law Court*

Citation to decisions of the Supreme Judicial Court when not sitting as the Law Court depends on the matter before it:

- a. *Opinion of the Justices*

Opinions issued pursuant to article VI, section 3, of the Maine Constitution are the opinions of the justices individually; however, the document responding to the article VI, section 3, question is called the *Opinion of the Justices*. It should be cited as follows:

For opinions issued since 2001:

Opinion of the Justices, 2004 ME 54, 850 A.2d 1145.

For opinions issued from 1966 to 2001:

Opinion of the Justices, 709 A.2d 1183 (Me. 1997).

For opinions issued from 1885 to 1966:

Opinion of the Justices, 155 Me. 30, 152 A.2d 81 (1959).

b. *Judicial Disciplinary Proceedings*

Decisions of the Supreme Judicial Court in original proceedings involving judicial discipline prior to 2004 should be cited as follows:

In re Ross, 428 A.2d 858 (Me. 1981).

For decisions issued since 2003:

In re Nadeau, 2007 ME 21, 914 A.2d 714.

c. *Attorney Disciplinary and Bar Admission Proceedings*

Prior to January 1982, the docket number used by the Supreme Judicial Court to identify attorney disciplinary and bar admission proceedings was “SJC-[No.]” Thereafter this form was replaced by “BAR-[year]-[No.]”

Decisions of a single justice, sitting in the Supreme Judicial Court, that are not reported, should be cited as follows:

Board of Overseers of the Bar v. Washburn, SJC-53-15 (Jan. 5, 1981) (Roberts, J.).

Board of Overseers of the Bar v. Powers, BAR-97-11 (July 23, 1998) (Dana, J.).

Decisions of a single justice, sitting in the Supreme Judicial Court, relative to these original proceedings, that are reported in the *Maine Manual on Professional Responsibility* should be cited as follows:

Board of Overseers of the Bar v. Condon, BAR-6-3, 2 *Maine Manual on Professional Responsibility* SJ-755 (Dec. 27, 2006) (Dana, J.).

Appeals from single justice decisions in attorney admission and discipline matters are heard by the Supreme Judicial Court, sitting as the Law Court, *see Board of Overseers of the Bar v. Condon*, 2008 ME 24, 940 A.2d 1065 (per curiam), and should be cited in the same manner as Law Court opinions.

d. *Other decisions of the Supreme Judicial Court:*

The Supreme Judicial Court has original jurisdiction to hear and decide some other matters, including original actions reapportioning state legislative and congressional districts and appeals from proceedings when the Maine House of Representatives or the Senate reapportions itself. Decisions in such matters should be cited as follows:

For direct reapportionment:

In re 2003 Apportionment of the State Senate and United States Congressional Districts, 2003 ME 86, 827 A.2d 844, *modified*, 2004 ME 55, 846 A.2d 995.

For reapportionment appeals:

In re 2003 Legislative Apportionment of the House of Representatives, 2003 ME 81, 827 A.2d 810.

4. *Ceremonial Proceedings*

Ceremonial proceedings reported in the Maine Reporter should be cited as follows:

Opening Ceremonies to Commemorate the Bicentennial of the United States Constitution, Me. Rptr. 522-536 A.2d CCCXLIII (1988).

C. *Maine Trial Court Decisions*

1. *Superior Court*

Decisions of the Maine Superior Court published on LEXIS or Westlaw should be cited as follows:

Robbins v. Ranjini, 2006 Me. Super. LEXIS 239 (Nov. 27, 2006).

Robbins v. Ranjini, 2006 WL 3708066 (Me. Super. Nov. 27, 2006).

- i. The acceptable short forms, with pincites, are as follows:

Robbins, 2006 Me. Super. LEXIS 239, at *2.

Robbins, 2006 WL 3708066, at *2.

Decisions available in a slip opinion should be cited as follows:

Robbins v. Ranjini, YORSC-CV-2004-151 (Me. Super. Ct., Yor. Cty., Nov. 27, 2006).

Alexandre v. State, PENSC-CR-2005-183 (Me. Super. Ct., Pen. Cty., Oct. 11, 2006) (Jabar, J.).

Note: Page citations may be added, e.g., “at 5,” when available and appropriate for use.

Note: Letter abbreviations appearing in the docket number may include CV (civil), CR (criminal), RE (real estate), AP (appeal), and FM (family matters).

The first time the Superior Court is referenced in the text of an opinion or other legal writing, it should be referenced as follows:

“ . . . the Superior Court (Lincoln County, *Bradford, J.*).”

2. *District Court*

Decisions of the Maine District Court should be cited as follows:

State v. Labbe, No. 08-CR-639 (Me. Dist. Ct., Skowhegan, Oct. 14, 2008) (Nivison, J.).

The first time the District Court is referenced in the text of an opinion or other legal writing, it should be referenced as follows:

“ . . . the District Court (Bangor, *Gunther, J.*).”

3. *Probate Court*

There are probate courts for each of the sixteen Maine counties. Decisions of the Probate Court should be cited as follows:

In re Guardianship of Virgil T., Ken. Cty. Prob. Ct. [add specific docket number which may vary by county] (full date) (*Mitchell, J.*). [This is a hypothetical case name not reflecting an actual case, which may have confidential aspects.]

When a Probate Court is referenced in the text of an opinion or other legal writing, it should be referenced the first time it appears in the text as follows:

“ . . . the Waldo County Probate Court (*Longley, J.*).”

D. *Court Documents, Transcripts, and Records*

When citing to court documents, transcripts, and records in the same case as the cited material, abbreviate the titles of those documents, cite to a paragraph or page, and enclose the entire citation in parentheses. If the citation serves as a citation sentence, place a period after the paragraph or page within the parentheses; if the citation serves as a clause, omit the period and place within the punctuation for the pertinent textual clause. If necessary to avoid confusion, include the date that the document was prepared.

1. Pleadings

Plaintiff's Complaint, paragraph 9	(Pl.'s Compl. ¶ 9.)
Defendant's Answer, paragraph 6	(Def.'s Ans. ¶ 6.)
Defendant's Counterclaim, paragraph 13	(Def.'s Countercl. ¶ 13.)

2. Motions

Motion to Dismiss, paragraph 3	(Mot. Dismiss ¶ 3.)
Defendant's Motion to Suppress, page 8	(Def.'s M. Suppress 8.)
Plaintiff's Motion in Limine, page 4	(Pl.'s M. Limine 4.)

3. Transcripts

Motion Transcript, page 17, April 25, 2009	(Mot. Tr. 17 (Apr. 25, 2009).)
Sentencing Transcript, page 2	(S. Tr. 2.)

4. Summary Judgment Documents

Plaintiff's Opposition to Defendant's Motion for Summary Judgment, page 12	(Pl.'s Opp'n to Def.'s Mot. Summ. J. 12.)
Supporting Statement of Material Facts, paragraph 7	(Supp. S.M.F. ¶ 7.)
Opposing Statement of Material Facts, paragraph 12	(Opp. S.M.F. ¶ 12.)

5. Supporting Documents

Affidavit of James Kane, paragraphs 1-2	(Kane Aff. ¶¶ 1-2.)
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|---|---------------------------|
| Deposition of Sheila Dennison,
page 23 | (Dennison Dep. 23.) |
| Defendant's Interrogatory,
number 2 | (Def.'s Interrog. No. 2.) |
6. Appellate Documents
- | | |
|--------------------------------|--------------------|
| Petitioner's Brief,
page 33 | (Br. of Pet. 33.) |
| Respondent's Brief,
page 12 | (Br. of Resp. 12.) |
| Appellant's Brief,
page 6 | (Blue Br. 6.) |
| Appellee's Brief,
page 12 | (Red Br. 12.) |
| Appendix, page 85 | (A. 85.) |
| Appendix B, page B-9 | (B App. 9.) |
| Appendix III, page 9 | (III App. 9.) |
| Record, page 73 | (R. 73.) |
7. When citing to court documents in law review articles, or any time the case to which the document relates might be unclear, add a comma followed by a citation to that case, as follows:
- (Br. of Pet. 33, *Camps Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U.S. 564 (1997).)
- (Br. of Resp. 12, *Camps Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U.S. 564 (1997).)

IV. MAINE COURT RULES

The *Uniform Maine Citations* format for Maine court rules generally follows *The Bluebook* Rule 12.9.3 and *ALWD Citation Manual* Rule 17.

A. *Location and Citation of Maine Court Rules and Advisory Notes*

Current versions of all rules promulgated by the Maine Supreme Judicial Court appear on the Maine Judicial Branch web site. A separate part of the web site includes the complete, current rules and advisory notes or reporters notes for the Maine Rules of Civil Procedure, the Maine Rules of Criminal Procedure, the Maine Rules of Appellate Procedure, the Maine Rules of Evidence, and the Maine Rules of Professional Conduct. The Court's web site is the most up-to-date source and thus the primary citation source for these materials. See *Maine Court Rules*, MAINE JUDICIAL BRANCH, http://www.courts.state.me.us/court_info/rules/rules.html (last visited June 7, 2011). Rules are also published annually, with some recent advisory notes, in the print publications *Maine Court Rules* (Tower) and *Maine Rules of Court* (West).

Reporter's notes are the notes that support original promulgation of the rule. Advisory committee notes usually indicate an amendment recommended by a Court advisory committee. Advisory notes may indicate a rule developed by the Court itself, although the distinction between advisory committee notes and advisory notes is not always clear.

For citation to print sources:

1. Reporter's notes, advisory committee notes, and advisory notes for Rules 1 through 93 of the Maine Rules of Civil Procedure from their 1958 promulgation through 2010 appear in 3A Harvey, *Maine Civil Practice*, 215-611 (3d ed. 2011). Similar rules adoption or amendment notes from 1958 through 2007 for Rules 1 through 92 appear in Maine State Bar Association, *The Maine Rules of Civil Procedure with Advisory Committee Notes and Practice Commentary* (2008).
2. Reporter's notes, advisory committee notes, and advisory notes for the Maine Rules of Evidence from their 1976 promulgation through 2007 appear in Murray, *Maine Evidence* (6th ed. 2007).
3. Reporter's notes, advisory committee notes, and advisory notes for the Maine Rules of Appellate Procedure from their 2001 promulgation through 2007 appear in Alexander, *Maine Appellate Practice* (3d ed. 2008).

Other less comprehensive print sources for reporter's notes and advisory notes are addressed in the discussion of the individual rules.

Note: Citation to specific rules currently in effect and general citation to reporter's notes or advisory notes for a particular rule need not include any date or source indicator with the rule citation.

B. Maine Rules of Civil Procedure

Using the Maine Rules of Civil Procedure as a general example of citation form for rules and supporting notes, suggested citation practice follows:

1. Maine Rules of Civil Procedure should be cited as follows:

M.R. Civ. P. 26(b)(4)(A)(i).

2. Reporter's notes to the Maine Rules of Civil Procedure should be cited as follows:

M.R. Civ. P. 12 reporter's notes.

3. The preferred source for specific reporter's notes, advisory committee notes and advisory notes is:

M.R. Civ. P. 5 advisory committee's note to 2001 amend. Me. Judicial Branch web site/Rules (visited Nov. 30, 2009); or
www.courts.state.me.us/court_info/rules/rules.html (visited Aug. 10, 2011).

4. Advisory committee's notes to amendments to the Maine Rules of Civil Procedure appear also in both the *Maine Reporter* and in *Maine Civil Practice*. Citation may be made to either of those sources.

M.R. Civ. P. 68 advisory committee's note to 1966 amend., 3A Harvey, *Maine Civil Practice* 497 (3d ed 2011).

M.R. Civ. P. 64 advisory committee's note to 1973 amend., 3A Harvey, *Maine Civil Practice* 483-84 (3d ed. 2011).

M.R. Civ. P. 33(a) advisory committee's note to 1981 amend., Me. Rptr., 428-433 A.2d LII.

M.R. Civ. P. 5 advisory committee's note to 2001 amend., Me. Rptr., 770-777 A.2d XXXII.

C. Maine Rules of the Business and Consumer Docket Procedure

M.R. BCD P. 2.5

D. Maine Rules of Criminal Procedure

1. Maine Rules of Criminal Procedure should be cited as follows:

M.R. Crim. P. 16(b)(2)(A).

2. Reporter's notes to the Maine Rules of Criminal Procedure should be cited as follows:

M.R. Crim. P. 35 reporter's notes.

3. The Judicial Branch web site includes a copy of the Maine Rules of Criminal Procedure with all of the advisory notes to the original rules and amendments to the rules. Advisory committee's notes to amendments to the Maine Rules of Criminal Procedure also appear in the *Maine Reporter*. Advisory committee's notes up to 1995 appear in *Maine Criminal Practice*. If citation to a print source, rather than the web site source discussed in section IV(B)(3) above is desired, citation should be made to one of the print sources, as follows:

M.R. Crim. P. 4(a) advisory committee's note to 2000 amend., Me. Rptr., 762-769 A.2d LXIV.

M.R. Crim. P. 5(b) advisory committee's notes to 1994 amend., 1 Cluchey & Seitzinger, *Maine Criminal Practice* II-51 (Gardner ed. 1995).

M.R. Crim. P. 39D(f) Supreme Judicial Court note to 1987 amend., Me. Rptr., 510-521 A.2d XXXVIII.

M.R. Crim. P. 39D(f) Supreme Judicial Court note to 1987 amend., 2 Cluchey & Seitzinger, *Maine Criminal Practice* VII-175 (1992).

E. Uniform Criminal Docket Local Rules of Procedure

U.C.D.R.P. – Bangor 15(a).

U.C.D.R.P. – Portland 27(a).

F. Maine Rules of Evidence

1. Maine Rules of Evidence should be cited as follows:

M.R. Evid. 804(b)(3).

2. Advisory committee's notes to the Maine Rules of Evidence as originally promulgated should be cited as follows:

M.R. Evid. 511 advisory committee's note.

3. Reporter's notes and advisory committee's notes to amendments to the Maine Rules of Evidence appear with the Rules of Evidence on the Maine Judicial Branch web site. They also appear in the *Maine Reporter* and *Maine Evidence*. Citation should be made to these sources as follows:

M.R. Evid. 412 advisory committee's notes to 2000 amend., Me. Rptr., 746-754 A.2d LXXIII.

M.R. Evid. 103 advisory committee's note to 1998 amend., Field & Murray, *Maine Evidence* 5 (6th ed. 2007).

M.R. Evid. 502 advisory committee's note to 1983 amend., Me. Judicial Branch web site/Rules (visited Nov. 30, 2009).

G. Maine Rules of Appellate Procedure

1. Maine Rules of Appellate Procedure should be cited as follows:

M.R. App. P. 8(g)(2).

2. Advisory notes to the Maine Rules of Appellate Procedure as originally promulgated should be cited as follows:

M.R. App. P. 7(e) advisory notes, Jan. 1, 2001.

Complete, current sets of advisory notes to the Maine Rules of Appellate Procedure may be found, organized by date, under each rule on the Maine Judicial Branch web site.

3. Advisory notes to amendments to the Maine Rules of Appellate Procedure appear on the Judicial Branch web site and in the *Maine Reporter* and *Maine Appellate Practice*. Citation should be made to these sources as follows:

M.R. App. P. 5(b)(2)(A) advisory notes to 2001 amend., Me. Judicial Branch web site/Rules (visited Jan. 31, 2010).

M.R. App. P. 5(b)(2)(A) advisory notes to 2001 amend., Me. Rptr., 762-769 A.2d XCI.

M.R. App. P. 19(d)(2), advisory notes to 2001 amend., Alexander, *Maine Appellate Practice* 141 (3d ed. 2008).

H. Maine Rules of Probate Procedure

1. Maine Rules of Probate Procedure should be cited as follows:

M.R. Prob. P. 4(b)(1)(A).

2. Forms contained in the Appendix of Forms to the Maine Rules of Probate Procedure should be cited as follows:

M.R. Prob. P. Form DE-404.

3. Advisory committee's notes to the Maine Rules of Probate Procedure as originally promulgated and amendments to the rules appear in both the *Maine Reporter* and the 1981 supplement to *Maine Civil Practice*. Citation should be made to either of these sources as follows:

M.R. Prob. P. 65 advisory committee's note, 2 Field, McKusick & Wroth, *Maine Civil Practice* 775 (2d ed. Supp. 1981).

M.R. Prob. P. 62(a) advisory committee's note to 1999 amend., Me. Rptr., 725-735 A.2d XXVII.

I. Rules for the Family Division of the Maine District Court [Abrogated]

[These rules were abrogated effective January 1, 2009. They have been replaced by Chapter XIII of the Civil Rules.]

1. Rules for the Family Division of the Maine District Court should be cited as follows:

M.R. Fam. Div. III(A)(5).

2. Amendments to the Rules for the Family Division of the Maine District Court should be cited as follows:

M.R. Fam. Div. III(G)(2)(b) 2000 amend., Me. Rptr., 746-754 A.2d LXXXI.

J. Rules for Guardians Ad Litem

1. Rules for Guardians Ad Litem should be cited as follows:

M.R.G.A.L. II(2)(A)(ii).

2. Appendices to the Rules for Guardians Ad Litem should be cited as follows:

M.R.G.A.L. app. A(3.2)(12)(d).

K. Maine Rules of Small Claims Procedure

1. Maine Rules of Small Claims Procedure should be cited as follows:

M.R.S.C.P. 6(c)(2).

2. Advisory committee's notes to the Maine Rules of Small Claims Procedure as originally promulgated should be cited as follows:

M.R.S.C.P. 5 original advisory committee's note.

3. Advisory committee's notes to amendments to the Maine Rules of Small Claims Procedure appear in the *Maine Reporter*. Citation should be made to this source as follows:

M.R.S.C.P. 3(d) advisory committee's note to 1999 amend., Me. Rptr., 716-724 A.2d LII.

L. Maine Administrative Court Rules [Abrogated]

[These rules were abrogated, effective March 15, 2001.]

1. Although Maine Administrative Court Rules are no longer in effect, they may still be cited for historical purposes as follows:

M. Admin. Ct. R. 26(c)(2)(A).

2. Forms contained in the Appendix of Forms to the Maine Administrative Court Rules should be cited as follows:

M. Admin. Ct. R. Form 1.

3. Advisory committee's notes to the Maine Administrative Court Rules as originally promulgated appear in both volume 385-388 A.2d of the *Maine Reporter* and in the supplement to *Maine Civil Practice*. Citation should be made to either of these sources as follows:

M. Admin. Ct. R. 26 advisory committee's note, Me. Rptr., 385-388 A.2d XL.

M. Admin. Ct. R. 12(e) advisory committee's note, 2 Field, McKusick & Wroth, *Maine Civil Practice* 958 (2d ed. Supp. 1981).

4. Advisory committee's notes and explanatory notes to amendments to the Maine Administrative Court Rules appear in the *Maine Reporter* and should be cited as follows:

M. Admin. Ct. R. 73(b)(1) advisory committee's note, Me. Rptr., 510-521 A.2d XCVI.

M. Admin. Ct. R. 50 explanatory note, Me. Rptr., 522-536 A.2d CCXLIX.

M. Administrative Orders of the Maine Supreme Judicial Court

1. Administrative Orders of the Maine Supreme Judicial Court should be cited as follows:

Protocol for Issuance, Distribution, and Publication of Administrative Orders, Me. Admin. Order JB-05-2 (effective Aug. 1, 2005).

2. Administrative Orders of the Maine Supreme Judicial Court that have been amended should be cited as follows:

Revised Court Fees Schedule and Document Management Procedures, Me. Admin. Order JB-05-26 (as amended by A. 7-10) (effective July 1, 2010).

N. Maine Code of Judicial Conduct

The Maine Code of Judicial Conduct should be cited as follows:

M. Code Jud. Conduct I(4)(B).

O. Rules for the Committee on Judicial Responsibility and Disability

Rules for the Committee on Judicial Responsibility and Disability should be cited as follows:

M.R. Comm. Jud. Responsibility & Disability 2(H)(iii).

P. Maine Bar Rules

1. Maine Bar Rules should be cited as follows:

M. Bar R. 6(a)(2)(B)(4).

2. Notes and advisory committee's notes to the Maine Bar Rules should be cited as follows:

M. Bar R. 12(a)(1) note.

M. Bar R. 1 advisory committee's notes.

Q. Maine Rules of Professional Conduct

The Maine Supreme Judicial Court adopted the Maine Rules of Professional Conduct, effective August 1, 2009. On the same date, Maine Bar Rule 2-A (Aspirational Goals for Lawyer Professionalism), Maine Bar Rule 3 (Code of Professional Responsibility), and Maine Bar Rule 8 (Contingent Fees) were abrogated and replaced by the Maine Rules of Professional Conduct.

1. The Maine Rules of Professional Conduct should be cited as follows:

M.R. Prof. Conduct 3.6.

2. Comments and Reporter's Notes to the Maine Rules of Professional Conduct and any advisory committee's notes to amendments should be cited as follows:

M.R. Prof. Conduct 1.7 cmt. (26).

M.R. Prof. Conduct 1.7 reporter's notes.

M.R. Prof. Conduct 1.10(e) advisory note to Feb. 2010 amend.

R. Maine Rules for Lawyers' Fund for Client Protection

Maine Rules for Lawyers' Fund for Client Protection should be cited as follows:

M.R. Lawyers' Fund for Client Protection 10(a)(3).

S. Maine Bar Admission Rules

1. Maine Bar Admission Rules should be cited as follows:

M. Bar Admission R. 5(a)(2).

2. Advisory notes and Board of Bar Examiners notes to the Maine Bar Admission Rules should be cited as follows:

M. Bar Admission R. 9 advisory note to 2009 amend.

M. Bar Admission R. 10 Board notes.

T. Opinions Issued by the Grievance Commission and the Professional Ethics Commission of the Board of Overseers of the Bar

[Some of this material is available on the Board of Overseers of the Bar web site.]

1. Opinions issued by the Grievance Commission appear in the *Maine Manual on Professional Responsibility* and should be cited as follows:

Me. Grievance Comm'n, Op. No. 45, 1 *Maine Manual on Professional Responsibility* 0-159 (Nov. 22, 1983).

Me. Grievance Comm'n, File No. 00-143, 2 *Maine Manual on Professional Responsibility* GC-481 (Nov. 8, 2001).

2. Opinions issued by the Professional Ethics Commission that appear in the *Maine Manual on Professional Responsibility* should be cited as follows:

Me. Prof. Ethics Comm'n, Op. No. 178, 1 *Maine Manual on Professional Responsibility* 0-641 to 0-642 (Mar. 8, 2002).

3. Opinions issued by the Professional Ethics Commission that have not yet appeared in the *Maine Manual on Professional Responsibility* should be cited as follows:

Me. Prof. Ethics Comm'n, Op. No. 179 at 1 n.1 (July 18, 2002).

V. FEDERAL LOCAL COURT RULES

The *Uniform Maine Citations* format for federal local court rules generally follows *The Bluebook* Rule 12.9.3 and *ALWD Citation Manual* Rule 17.

A. *Local Rules for the United States Court of Appeals for the First Circuit*

The Local Rules for the United States Court of Appeals for the First Circuit should be cited as follows:

1st Cir. Local R. 46.0(a)(1).

B. *Local Rules for the United States District Court for the District of Maine*

The Local Rules for the United States District Court for the District of Maine should be cited as follows:

D. Me. Local R. 56(a).

VI. STATE EXECUTIVE AGENCY OPINIONS, ORDERS, REGULATIONS, AND REPORTS

In addition to the examples below, *The Bluebook* Rule 14 and *ALWD Citation Manual* Rule 20 may be useful for citing to various executive agency materials.

A. *Attorney General Opinions*

1. Almost continuously since 1901 the annual reports of the attorney general to the Governor, reprinted in hardbound volumes through 1972, include the opinions of the Attorney General. No other hardbound source exists. Consequently, citation to Attorney General opinions must reflect a parallel citation. The name of the opinion may be included.

Op. Me. Att’y Gen. (1965), *reprinted in* 1965-1966 Me. Att’y Gen. Ann. Rep. 21.

Grants for Water Pollution Control on M.S.B.A. Property, Op. Me. Att’y Gen. (1965), *reprinted in* 1965-1966 Me. Att’y Gen. Ann. Rep. 21.

2. Citation to Attorney General opinions from 1973 through 1978, which were neither reprinted in hardbound volumes nor numbered, should be cited to the date of the opinion as follows:

Op. Me. Att’y Gen. (Mar. 16, 1977).

3. In 1979 the Attorney General’s office began numbering its opinions consecutively by year and number. Citation to Attorney General opinions from 1979 to the present should reflect this numbering system as follows:

Op. Me. Att’y Gen. 00-02.

Copies of Attorney General opinions are available at the Department of the Attorney General, the State Law Library, and the Donald L. Garbrecht Library at the University of Maine School of Law.

B. *Executive Orders*

The system used to number Executive Orders changed in January 1974 to reflect the fiscal year in which the order was issued. Executive Orders should be cited to the number and date of the order as follows:

Me. Exec. Order No. 20 (Nov. 7, 1972).

Me. Exec. Order No. 6 FY 01/02 (June 19, 2002).

Copies of recent executive orders are available at the Office of the Governor, on the Governor's Office web site, in the State Law Library, and in the University of Maine School of Law Library. Copies of older executive orders are available at the State Law Library and the Maine State Archives.

C. State Administrative Regulations

Rules and regulations adopted by Maine state administrative agencies are organized by the Secretary of State's Office and published in the *Code of Maine Rules* (C.M.R.). The administrative rules and regulations are most readily available on-line through the Secretary of State's web site and the link for "State Agency Rules" (<http://www.maine.gov/sos/cec/rules/index.html>).

The rules have assigned numbers including an initial two-digit number that identifies the state department or independent agency publishing the rule and a subsequent three-digit number that identifies either a subagency publishing the rule or a subdivision of the agency rules. Pursuant to the Secretary of State's citation system, the reference "C.M.R." follows these initial five numbers and is then followed by the chapter number and any section number(s) internal to the regulation. When subsections of rules appear on the page in a traditional outline structure, similar to the structure used in statutes, use the citation format used for citing subsections of statutes.

The year of the C.M.R. revision should be indicated in the citation. As of February 1, 2010, the latest revision was complete through December 31, 2008. See www.maine.gov/sos/cec/rules/ (last visited August 11, 2011). The "APA Website Status Log," also available through the Secretary of State's web site, must be checked to identify any more recent amendments.

Following are examples of citations to state agency rules or regulations using the Secretary of State's numbering and reference system:

1. Department of Agriculture (01), Maine Milk Commission (015), regulation addressing definitions (§ 1) related to milk pricing orders (ch. 1) should be cited as follows:

01-015 C.M.R. ch.1, § 1 (2008).

2. The milk pricing schedule (ch. 3), as amended effective January 26, 2010, should be cited as follows:

01-015 C.M.R. ch. 3, amended by order 2010-12 (effective January 26, 2010).

3. Department of Environmental Protection (06), procedural regulations (096), covering hearings (ch. 20), including notice requirements (§ 2), for contents of a hearing notice (B) should be cited as follows:

06-096 C.M.R. ch. 20, § 2(B) (2008).

4. The print publication of the *Code of Maine Rules* is organized by volume numbers, with citation as follows:

4 C.M.R. 18 134 001-2 § 1.4 (1999).

Volume numbers, independent of the department and sub-agency numbering system, are not included in the numbering system on-line. However, use of volume numbers, when they can be identified, is preferred if the hard volumes are available.

D. Public Utilities Commission Proceedings

1. Proceedings of the Maine Public Utilities Commission after January 1, 1997, should be cited as follows:

Bangor Hydro-Electric Co., Petition for Finding of Public Convenience & Necessity to Construct a 115 kV Transmission Line and Substation in Hancock County, No. 2006-686, Order (Me. P.U.C. Oct. 2, 2007).

2. Proceedings of the Maine Public Utilities Commission prior to January 1, 1997, reported in the Public Utilities Reports should be cited as follows:

Re Madison Electric Works, 163 P.U.R.4th 378 (Me. 1995).

3. Proceedings of the Maine Public Utilities Commission prior to January 1, 1997, which have not been reported in the Public Utilities Reports, should be cited as follows:

Re Central Maine Power Co., Proposed Increase in Rates, No. 1990-76, Order-Part 2 (Me. P.U.C. Mar. 8, 1991).

E. Workers' Compensation Board and Commission

1. The Workers' Compensation Board (W.C.B.) used to be called the Workers' Compensation Commission (W.C.C.). Reported decisions of the Appellate Division should be cited using the appropriate abbreviation and decision number as follows:

Peters v. Hannaford Brothers, Inc., Me. W.C.C. 3385 (Me. App. Div. 1989).

Shaver v. Poland Spring Bottling Corp., W.C.B. 320-06-01 (Me. App. Div. 2006).

Reported decisions of hearing officers should be cited using the W.C.B. file number as follows:

Bruns v. Sebago, Inc., W.C.B. 94-00-27-05 (Me. 2007).

2. Slip opinions of the Appellate Division of the Maine Workers' Compensation Commission should be cited by reference to the decision number rather than the docket number, using the appropriate abbreviation (W.C.C. or W.C.B.), as follows:

Bailey v. International Paper Co., No. 91-37 at 2 (Me. W.C.C. App. Div. Mar. 15, 1991).

3. Rules of the Workers' Compensation Commission or Workers' Compensation Board should be cited, using the appropriate abbreviation (W.C.C. or W.C.B.), as follows:

Me. W.C.C. Rule 18.5.

F. Reports and Studies of State Departments and Agencies

Reports and studies of state departments and administrative agencies should be cited by reference to the department or agency, title of the report or other document, and page and date of publication (or year if precise date is unavailable).

Me. Dep't of Att'y Gen., Report on the Public Lots 34 (Sept. 12, 1972).

SECONDARY SOURCES

VII. TREATISES

The *Uniform Maine Citations* format for court rules generally follows *The Bluebook* Rule 15 and *ALWD Citation Manual* Rule 22. Authors' first names may be omitted for the commonly cited treatises below.

A. *Appellate Procedure*

Alexander, *Maine Appellate Practice* § 1.3 at 20 (3d ed. 2008).

B. *Citation and Reference Guide*

Uniform Maine Citations should be cited as follows:

Uniform Maine Citations § III(B)(2) (2011 ed.).

C. *Civil Procedure*

1. *Maine Civil Practice*

- a. The soft bound volumes should be cited as follows:

2 [or 3 or 3A] Harvey, *Maine Civil Practice* § 4.4 at 153 (3d ed. 2011)

- b. The 1981 supplement to the second edition should be cited as follows:

1 [or 2] Field, McKusick & Wroth, *Maine Civil Practice* § 37.1 at 270 (Supp. 1981).

- c. References to both the main volume and the supplement to the second edition should be cited as follows:

1 [or 2] Field, McKusick & Wroth, *Maine Civil Practice* § 16.4 (2d ed. 1970 & Supp. 1981).

2. *The Maine Rules of Civil Procedure with Advisory Committee Notes and Practice Commentary*

The soft bound volume should be cited as follows:

Maine State Bar Association, *The Maine Rules of Civil Procedure with Advisory Committee Notes and Practice Commentary* § 54(b) (2008).

D. Constitutional Law

Tinkle, *The Maine State Constitution* 33 (2011)

Tinkle, *The Maine State Constitution: A Reference Guide* 29 (1992).

E. Corporations

Zimpritch, *Maine Corporation Law and Practice* § 8.10 at 366 (2d ed. 2004).

F. Criminal Procedure

1. *Maine Criminal Practice* should be cited to the most current year of supplementation as follows:

1 [2 or 3] Cluchey & Seitzinger, *Maine Criminal Practice* § 16.1 at IV-86 (Gardner ed. 1995).

2. *Maine Practice: Rules of Criminal Procedure Annotated*

- a. The main volume should be cited as follows:

Glassman, *Maine Practice: Rules of Criminal Procedure Annotated* § 35.3 at 286 (1967).

- b. The supplement, last published in 1975, should be cited as follows:

Glassman, *Maine Practice: Rules of Criminal Procedure Annotated* § 48.1 at 171 (Supp. 1975).

- c. References to both the main volume and the supplement should be cited as follows:

Glassman, *Maine Practice: Rules of Criminal Procedure Annotated* § 16.1 (1967 & Supp. 1975).

G. Debtor-Creditor Law

Devlin & Googins, *Maine Commercial Lending Handbook* § 3-2(a)(1) at 97 (2011).

Patterson, *Maine Debtor-Creditor Law* § 2.2 (1988 & Supp. 1991).

H. Employment

Winger, *Maine Employers' Handbook* § 5.11 at 103 (5th ed. 2009).

I. Equity

Whitehouse, *Equity Practice* § 163 at 190 (1900).

J. Evidence

Field & Murray, *Maine Evidence* § 609.3 at 316 (6th ed. 2007).

K. Family Law

Levy, *Maine Family Law* § 2.4[3][a] at 2-14 (2010 ed.).

Prescott, *Maine Family Law Forms: Discovery, Trial and Settlement* § 1.01 (F1.1) at 6 (3d ed. 2001).

L. Jury Instructions

Alexander, *Maine Jury Instruction Manual* § 4-9 at 4-20 (4th ed. 2011).

M. Land Use

Ahrens, *Maine Environmental and Land Use Statutes Deskbook* 85 (2010).

Delogu, *Maine Land Use Control Law, Cases, Notes, Comments* § 11.03 at 749 (2d ed. 1997).

N. Probate

Hunt, *Maine Probate Law* § 2.902 at 97-1 (1999).

Mitchell & Hunt, *Maine Probate Procedure: Guide to Official and Recommended Forms* § 7.20.3 at 7-47 (2010).

O. Public Utilities

Johnson, *Maine Regulation of Public Utilities* 39 (2008).

P. Real Estate

Maine Real Estate Law and Practice

1. The main volume should be cited as follows:

Cowan & Scannell, *Maine Real Estate Law and Practice* § 9:28 at 401 (2d ed. 2007).

2. The supplement should be cited as follows:

Cowan & Scannell, *Maine Real Estate Law and Practice* § 8:6 at 2 (Supp. 2009).

3. References to both the main volume and the supplement should be cited as follows:

Cowan & Scannell, *Maine Real Estate Law and Practice* § 13:10 (2007 & Supp. 2009).

Q. Remedies

Horton & McGehee, *Maine Civil Remedies* § 16-1(c) at 341 (4th ed. 2004).

R. School Law

Maine School Law 29 (Pringle & Tchao, eds., 3d ed. 2006).

S. Torts

1. *Maine Tort Law*

a. The main volume should be cited as follows:

Simmons, Zillman & Gregory, *Maine Tort Law* § 13.27 at 13-52 (2004 ed.).

b. The supplement should be cited as follows:

Simmons, Zillman & Gregory, *Maine Tort Law* § 11.09 at 24 (Supp. 2009).

c. References to both the main volume and the supplement should be cited as follows:

Simmons, Zillman & Gregory, *Maine Tort Law* § 11.03 (2004 ed. & Supp. 2009).

T. Trial Practice

Murray, *Basic Trial Advocacy* 37 (1995).

Merritt, *Trial Handbook for Maine Lawyers* § 9:4 at 115-16 (2007 ed.).

U. Workers' Compensation

Gillis, *Maine Employers' Guide: Workers' Compensation* § 620A at 138 (2000 ed.).

VIII. PERIODICALS

The *Uniform Maine Citations* format for periodicals generally follows *The Bluebook* Rule 16 and *ALWD Citation Manual* Rule 23.

A. *Maine Law Review*

1. The *Maine Law Review* was published from 1908 to 1920 (volumes 1-13) and from 1962 to the present. Articles in the *Maine Law Review* should be cited as follows:

Melvyn Zarr, *Recollections of My Time in the Civil Rights Movement*, 61 Me. L. Rev. 366 (2009).

2. Student written articles should be cited as follows:

Erik Black, Note, *Roy v. Bath Iron Works: Three Different Perspectives on an Unfortunate Situation*, 61 Me. L. Rev. 552 (2009).

B. *Ocean and Coastal Law Journal*

1. The *Ocean and Coastal Law Journal* has been published since 1994. Articles in the *Ocean and Coastal Law Journal* should be cited as follows:

Philip Bender, *A State of Necessity: IUU Fishing in the CCAMLR Zone*, 13 Ocean & Coastal L.J. 233 (2008).

2. Student written articles should be cited as follows:

Kelly Hoffman, Comment, *The Maine Legislature's Bill: An Act to Stop the Alewives Restoration Program in the St. Croix River—Have the Canadians and the Biologists Gone Berserk?*, 13 Ocean & Coastal L.J. 309 (2008)

C. *Peabody Law Review and Portland University Law Review*

Articles in the *Peabody Law Review* (5 vol.; 1936-1941) and the *Portland University Law Review* (7 vol.; 1949-1961), both of which are no longer published, should be cited as follows:

Matthew Williams, *The Case for Occupational Disease*, 3 Peabody L. Rev. 26 (1938).

Sidney W. Thaxter, *Some Aspects of the Joint Ownership of Property*, 7 Port. U.L. Rev. 57 (1961).

D. *Maine Bar Bulletin and Maine Bar Journal*

1. The *Maine Bar Bulletin* was published by the Maine State Bar Association from September 1967 to November 1985. The *Bulletin* was then replaced by the *Maine Bar Journal*.

2. Articles in the *Maine Bar Journal* should be cited as follows:

Paul MacDonald & Daniel J. Murphy, *Recovery of Lost Profits Damages: All is not Lost*, 24 Me. Bar J. 152 (2009).

3. Articles in the *Maine Bar Bulletin*, starting with volume 11, should be cited as follows:

Kermit Lipez, *The Board of Environmental Protection: The Need for Reform*, 15 Me. B. Bull. 33 (1981).

4. Because volumes 1-10 of the *Maine Bar Bulletin* are separately paginated within each issue, citations to articles appearing in volumes 1-10 should be cited as follows:

J. Neal Martin, *Attorneys and Corporate Fiduciaries: Servants of the Public*, Me. B. Bull., September 1969, at 1.

E. *Proceedings of the Maine State Bar Association*

Articles and discussions contained in the Maine State Bar Association Proceedings, which are no longer published, should be cited to the page and date of proceeding as follows:

M.S.B.A. Proc. 24 (Aug. 27, 1968).

F. *Maine Lawyers Review*

Articles in the *Maine Lawyers Review* should be cited as follows:

Judge Hornby to Become Senior Judge, Me. Lawyers Rev. 1 (Aug. 6, 2009).

John Logan, *Court Security Bond Issue – Opinion*, Me. Lawyers Rev. 12 (May 29, 2002).

G. *The Ethical Lawyer*

Articles in *The Ethical Lawyer*, a publication of the Continuing Legal Education Committee of the Maine State Bar Association, should be cited as follows:

Phillip E. Johnson, *New Maine Rules of Professional Conduct*, *The Ethical Lawyer* 1 (June 2009).