

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

**COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY COVID-19**

EIGHTH GENERAL ORDER

This order is issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) and is intended to provide guidance to the public and the bar regarding the operations of the United States Bankruptcy Court for the District of Maine during the ongoing pandemic. This order supersedes all prior General Orders issued in March through November of 2020.

The Court prescribes the following procedures which will remain in effect until rescinded.

1. Hearings and Trials.

- A. Effective April 5, 2021, the courthouses of the United States Bankruptcy Court for the District of Maine will be open to the public. Parties may elect to attend and participate in scheduled hearings either in person or by telephone, unless the Court orders otherwise. If the hearing is one at which witnesses may testify, the Court may eliminate or restrict a party's ability to participate by telephone.
- B. Parties intending to appear via telephone during a hearing must register with CourtCall at 1-866-582-6878, no later than 3:00 p.m. on the last business day prior to the hearing. Any member of the public wishing to listen to a hearing must contact the Clerk's office for instructions on how to utilize a conference call service.
- C. Notwithstanding any Local Rule or prescribed Local Form, any notice of a hearing must include sufficient information regarding the option to participate in the hearing via telephone. For example, a notice of hearing might include the following:

The United States Bankruptcy Court will conduct a hearing on [matter], a copy of which accompanies this notice, on [date] at [time].

This hearing will be conducted at the United States Bankruptcy Court for the District of Maine located at: _____. If you intend to participate in the hearing via telephone you are required to register with CourtCall at 1-866-582-6878, no later than 3:00 p.m. the last business day prior to the hearing.

2. Entrance Protocols.

All persons seeking entry to the courthouses of the United States Bankruptcy Court for the District of Maine must comply with the following orders, while they remain in

effect: (i) General Order 2020-7 of the United States District Court for the District of Maine, a copy of which is attached hereto as Appendix A; and (ii) General Order 2020-13 of the United States District Court for the District of Maine (as amended on November 3, 2020 and April 1, 2021), a copy of which is attached hereto as Appendix B.

The Court may alter or amend this order as may be necessary to achieve the goal of protecting the public health while, at the same time, continuing to fulfill the Court's mission.

SO ORDERED.

Date: April 2, 2021

/s/ Peter G. Cary

Peter G. Cary, Chief Judge
United States Bankruptcy Court

/s/ Michael A. Fagone

Michael A. Fagone, Judge
United States Bankruptcy Court

**United States District Court
District of Maine**

In Re:)	
)	
COURT OPERATIONS UNDER)	
THE EXIGENT CIRCUMSTANCES)	
CREATED BY THE COVID-19)	GENERAL ORDER 2020-7
CORONAVIRUS & RELATED)	(Amended, January 22, 2021)
PANDEMIC PRECAUTIONS:)	
THE USE OF FACE COVERINGS)	
OR MASKS IN COURT FACILITIES)	

GENERAL ORDER

This General Order is the seventh general order issued in response to the COVID-19 pandemic in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine (March 2020)*. This General Order requires the use of face coverings or masks in the District's courthouses.

The Court hereby adopts and incorporates the findings made in its previous General Orders as to the threat to public health and safety presented by the COVID-19 pandemic. In addition, President Joseph R. Biden, Jr. has issued an Executive Order directing federal agencies to take measures to require compliance with the CDC's guidelines regarding mask-wearing, physical distancing, and related public health measures in federal buildings. See Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing, 2021 WL 197411 (Jan. 20, 2021).

Accordingly, to protect public health and safety, it is hereby ordered that:

A. Face Coverings and Masks

1. All persons seeking entry to, or occupying, the Edward T. Gignoux Courthouse in Portland, the United States Bankruptcy Court in Portland, or the third floor of the Margaret Chase Smith Federal Building in Bangor must wear a face covering or mask.
2. The Court will provide masks to its employees and those visitors entering the courthouses who do not have a mask.

3. Face coverings and masks are not required for children under age 2, anyone who has trouble breathing or related medical conditions, or anyone who is unable to remove the mask without assistance. A person who cannot wear a face covering or mask because of a medical condition is not required to produce medical documentation of the condition, except that the Court may require such documentation from an employee in accordance with state and federal law.
4. Face coverings and masks must cover the nose and mouth; fit snugly but comfortably against the side of the face; be secured with ties or ear loops; have multiple layers of fabric; allow for breathing without restriction; and either be disposable or be able to be laundered and machine dried without damage or change to its shape.
5. If the Court is unable to provide a mask for any reason, the employee or visitor will be asked to contact the office to be visited by telephone to explore alternatives to entering the Courthouse.
6. Face coverings and masks must be worn in publicly accessible areas such as court security screening entrances, hallways, courtrooms, conference rooms, and elevators, as well as in any area where at least six feet of social distancing cannot be maintained. If the wearer is a court employee who is alone in a private office, cubicle, or workspace where at least six feet of physical distance from other persons can be maintained, the wearer may temporarily remove the mask.
7. This General Order does not address or control the wearing of face coverings or masks within a courtroom during a judicial proceeding.

B. Effectiveness; Termination. This General Order takes effect at 11:59 p.m. on January 22, 2021 and shall remain in effect until further Order of the Court.

SO ORDERED.

Dated: January 22, 2021

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

Note Regarding January 22, 2021, Amendment:

General Order 2020-7, originally entered on June 1, 2020, was amended effective January 22, 2021, to remove the expiration date and to note President Biden's issuance of an Executive Order addressing public health measures in federal buildings.

United States District Court
District of Maine

In Re:)	
)	
COURT OPERATIONS UNDER)	
THE EXIGENT CIRCUMSTANCES)	
CREATED BY THE COVID-19)	GENERAL ORDER 2020-13
CORONAVIRUS & RELATED)	[Amended, November 3, 2020]
PANDEMIC PRECAUTIONS:)	[Amended, April 1, 2021]
COURTHOUSE ENTRANCE)	
PROTOCOLS)	

GENERAL ORDER RE: ENTRANCE PROTOCOLS

In the interest of public health and safety, and after the consideration of the public health guidelines regarding COVID-19 issued by the U.S. Centers for Disease Control and Prevention and the State of Maine, the following protocols apply to all persons, other than court employees, entering the Edward T. Gignoux Courthouse in Portland, the U.S. Probation and Pretrial Services Offices in Bangor and Portland, the United States Bankruptcy Court in Portland, and the U.S. District Court or the U.S. Bankruptcy Court located on the third floor of the Margaret Chase Smith Federal Building in Bangor.

Entrance Protocols

Every person must comply with the requirements established in this Order. Persons who will not or cannot comply with these protocols will be directed to call or speak with one of the points of contact identified in this Order.

1. You may be asked to answer questions related to the health guidelines in this Order.

2. You may not enter if you:

- Are unwilling to comply with the protocols or to participate in any screening questions outlined in this Order.
- Have been advised to self-quarantine by any doctor, hospital, or health agency within the last 14 days.
- Have been diagnosed with COVID-19 or have been told to presume that you have COVID-19 by a health professional within the last 14 days.
- Have had contact in the last 14 days with someone who has been diagnosed with COVID-19 or have been told that they have to presume they have COVID-19 by a health professional, unless the diagnosis was more than 14 days ago, and they have been symptom-free for the past 72 hours.
- Have a temperature of 100.4 or higher.
- Have had a cough, shortness of breath, fever, chills, muscle pain, headache, sore throat, loss of taste or smell, sinus congestion, or extreme fatigue within the last 14 days, unless the symptoms are attributable to another known condition.
- Reside with someone who has had a cough, shortness of breath, fever, chills, muscle pain, headache, sore throat, loss of taste or smell, sinus congestion, or extreme fatigue within the last 14 days, unless the symptoms are attributable to another known condition.

3. Pursuant to Governor Janet T. Mill's *Moving Maine Forward Plan* dated March 5, 2021:

- a. Individuals from Massachusetts, Connecticut, New Hampshire, Vermont, and Rhode Island are exempted from Maine's test or quarantine requirement.
- b. People who have either had COVID-19 in the previous 90 days or are fully vaccinated against COVID-19, regardless of state of origin, are now exempted from Maine's test or quarantine requirement.¹

¹ An individual is considered "fully vaccinated" 14 days after the completion of the COVID-19 vaccination series. See Office of the Governor, *COVID-19 Vaccination in Maine* (updated Mar. 4, 2021), <https://www.maine.gov/covid19/vaccines/public-faq>.

- c. Until May 1, 2021, a non-exempt individual arriving in Maine should have a sample taken for a COVID-19 molecular or antigen test no earlier than 72 hours prior to their arrival in Maine. If awaiting the test results upon arrival in Maine, the individual must quarantine until a result is available. The result must indicate the individual is COVID-19 negative. Alternatively, the individual may commit to quarantining upon arrival in Maine for 10 days.
- d. For international travelers, all people who arrive in Maine within 7 days of entering the U.S. must quarantine for 7 days from arrival in the U.S. and get a COVID-19 molecular or antigen test 3-5 days after arrival in the U.S. Even if the COVID-19 test is negative, individuals must complete the 7-day quarantine after travel. Individuals who test positive for COVID-19 must isolate in accordance with the State's requirements. Individuals arriving from international travel who do not get a COVID-19 test should quarantine for 10 days after arrival in the U.S. Individuals who arrive in Maine more than 7 days after arrival in the U.S. should follow the guidelines for domestic travelers arriving in Maine from non-exempt states, as previously described.
- e. The requirements of the *Moving Maine Forward Plan* are available online at <https://www.maine.gov/covid19/moving-maine-forward>.
- f. Between March 5, 2021, and May 1, 2021, if you are a Maine resident or a visitor from a non-exempt state, and you have traveled to or from a state or area not exempted from Maine's quarantine/negative test requirements, you may not enter the Court's facilities unless:
- i. You have received a recent negative test for COVID-19 in accordance with the standards established by the *Moving Maine Forward Plan*; or
 - ii. You have quarantined in accordance with standards established by the *Moving Maine Forward Plan*; or
 - iii. Your entrance is related to your role in an in-court hearing, grand jury proceeding, or jury trial and has been pre-approved by the presiding judge (based on guidance from the CDC, the Maine CDC, and/or other authorities); or
 - iv. Your entrance has been pre-approved by the administrative head of the court unit or security agency you are visiting (based on guidance from the CDC, the Maine CDC, and/or other authorities).
4. Masks: You must wear a mask or face covering pursuant to General Order 2020-7. If you arrive without a mask, one will be provided to you.² You

² Face shields will be provided for those who cannot wear a mask. A Court Security Officer will contact the Clerk's Office if a shield is requested by a visitor.

must wear your mask at all times unless otherwise directed by a Judge.

5. Hand Sanitizer: You must apply hand sanitizer upon entering the court's facilities. Hand sanitizer will be available at all courthouse entrances.
6. Social Distance: You must maintain at least six feet of distance between you and other persons at all times, unless otherwise directed by a Judge. Minor children may accompany adults and will not be expected to stay apart.
7. Cell Phones and Laptops: Unless you are a (1) member of the Court's bar, (2) law enforcement officer, (3) credentialed press person, or (4) U.S. Attorney's Office Victim Witness Coordinator, cell phones and laptops may not be brought into the courthouse without the prior permission of the Court. Permission may be requested by contacting the Clerk's office. If you arrive with a cell phone and cannot store it outside the courthouse, you will be required to label your phone with your name and phone number, and then place it in a clear plastic bag for storage. The phone will be deposited in a dedicated bin and will be made available to you when you exit the courthouse.
8. Food and Drink: Food and drinks may not be brought into the courthouse without prior approval of the Court.
9. If You Need Assistance: If you are scheduled or required to appear and you are unable to appear because of the restrictions in this Order, you are directed to contact the appropriate person(s) listed in the Points of Contact on page five of this Order.

SO ORDERED.

Dated: April 1, 2021

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

Points of Contact

- If you are represented by the **Federal Public Defender**:
 - Portland: (207) 553-7070
 - Bangor: (207) 992-4111
- If you are represented by an attorney, **contact your attorney**.
- Anyone having business with the **U.S. Attorney's Office**:
 - Portland: (207) 780-3257
 - Bangor: (207) 945-0373
- Anyone having business with the **U.S. Marshals Service**:
 - Portland: (207) 780-3355
 - Bangor: (207) 945-0416
- If you are scheduled to meet with a **U.S. Probation or Pretrial Services Officer**:
 - Portland: (207) 780-3358
 - Bangor: (207) 945-0369
- If you are a **juror**, or if you have any other business with the District Court, an attorney, or a *pro se* party, please contact the **Clerk's Office**:
 - Proceedings in Portland: (207) 780-3356
 - Proceedings in Bangor: (207) 945-0575
- If you have business with the **United States Bankruptcy Court**, contact the U.S. Bankruptcy Court Clerk's Office:
 - Portland: (207) 780-3482
 - Bangor: (207) 945-0348

Note Regarding September 30, 2020, Amendment:

General Order 2020-13 was amended effective September 30, 2020, to clarify that the exemption addressed in Section 3.c. relates to all states identified in the most

current listing of:

<https://www.maine.gov/covid19/restartingmaine/keepmainehealthy/faqs>.

Note Regarding November 3, 2020, Amendment:

General Order 2020-13 was amended effective November 3, 2020, to clarify that requirements associated with persons appearing at Court within 14 days of having entered Maine from another state are those set forth in the then-current version of the *Keep Maine Healthy Plan*.

Note Regarding April 1, 2021, Amendment:

General Order 2020-13 was amended effective April 1, 2021, to reflect and adopt the travel, quarantine, and testing requirements contained in the *Moving Maine Forward Plan* issued March 5, 2021.