

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

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

NINTH 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.

The Court prescribes the following procedures which will remain in effect until rescinded.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 order, while it remains in

effect: General Order 2021-6 of the United States District Court for the District of Maine, a copy of which is attached hereto as Exhibit 1.

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: September 1, 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 2021-6
CORONAVIRUS & RELATED) (Amended August 3, 2021)
PANDEMIC PRECAUTIONS:) (Amended August 31, 2021)
THE USE OF FACE COVERINGS)
OR MASKS IN COURT FACILITIES)

**GENERAL ORDER REGARDING MASKS, COURTHOUSE ENTRY,
AND PHYSICAL DISTANCING REQUIREMENTS**

This General Order is 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). The Court 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, the Court has considered the community transmission rate and spread of the COVID-19 virus in Maine,¹ particularly the Delta variant of the virus, as well as advances made in public vaccinations and the most recent guidance issued by the Centers for Disease Control and Prevention (CDC) and the Administrative Office of the Courts.

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

1. **Applicability.** The following requirements apply to 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 third floor of the Margaret Chase Smith Federal Building in Bangor.
2. **Physical Distancing.** Six-foot physical distancing requirements remain in effect for all persons, whether vaccinated or unvaccinated, in the Courthouse or any court-occupied spaces, unless otherwise directed by a Judge. Minor children are not required to stay apart from an accompanying adult.

¹ See Ctrs. for Disease Control & Prevention, *United States COVID-19 Cases, Deaths, and Laboratory Testing (NAATs) by State, Territory, and Jurisdiction*, https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days.

3. Mask Requirements.

- a. All persons seeking entry to the Courthouse and court-occupied spaces must wear a face covering or mask. Signage will be posted at the entrance to the Courthouse or court-occupied space informing the public that all individuals must wear masks regardless of vaccination status.
 - b. Face coverings and masks must be worn in all publicly accessible areas of the Courthouses and court-occupied spaces, including court security screening entrances, hallways, courtrooms, conference rooms, and elevators, unless otherwise directed by a Judge. If the wearer is a court employee who is vaccinated and 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.
 - c. The Court will provide masks to its employees and those visitors who do not have a mask.
 - d. 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. Entry Restrictions.** Regardless of vaccination status, an individual may not enter the Courthouse or court-occupied spaces if that individual:
- a. Is unwilling to comply with the requirements of this Order;
 - b. Has COVID-19 or has been told to presume that the individual has COVID-19 by a health professional within the last 14 days; or
 - c. Is experiencing any of the symptoms of COVID-19 or has been in close contact with a person with COVID-19 within the last 14 days.

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 listed in the Points of Contact in Appendix A of this Order.

- 5. Points of Contact.** Members of the public who have questions about the entry requirements or other provisions of this Order are encouraged to contact the points of contact listed in Appendix A to this Order.
- 6. Effectiveness; Termination.** This General Order supersedes General Orders 2020-7 and 2020-13, as well as the Court's *Plan for Resuming Trials* (Apr. 13, 2021) and *Protocols Concerning In-Person Court Proceedings During COVID-19 Pandemic* (Apr. 20, 2021). This General Order takes effect at 5:00 p.m. on August 31, 2021 and shall remain in effect until further Order of the Court.

SO ORDERED.

Dated: August 31, 2021

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

Note Regarding August 3, 2021, Amendment:

General Order 2021-6, originally entered on June 28, 2021, is amended effective August 3, 2021, to align the Court's mask requirements with updated CDC guidance regarding mask-wearing in areas with substantial or high community transmission rates.

Note Regarding August 31, 2021, Amendment:

General Order 2021-6, as amended on August 3, 2021, is amended effective August 31, 2021, to require all persons, regardless of vaccination status, to wear masks in all publicly accessible areas of the Courthouse and court-occupied spaces.

Appendix A – Points of Contact

- If you are represented by an attorney, **contact your attorney.**

- If you are represented by the **Federal Public Defender:**
 - Portland: (207) 553-7070
 - Bangor: (207) 992-4111

- 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:
 - Portland: (207) 780-3356
 - Bangor: (207) 945-0575

- If you have business with the **U.S. Bankruptcy Court**, please contact the U.S. Bankruptcy Court Clerk’s Office:
 - Portland: (207) 780-3482
 - Bangor: (207) 945-0348