

STATE OF MAINE

KENNEBEC, ss.

SUPERIOR COURT

CIVIL ACTION

DOCKET NO. AP-05-76

FRIENDS OF THE KENNEBEC
SALMON,

Petitioner

v.

ORDER

MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
et al.,

Respondents

This matter is before the court on motion of respondent party-in-interest, Messalonskee Stream Hydro LLC, to dismiss the petition of Friends of the Kennebec Salmon, Inc. The entry of appearance and all pleadings in this case were completed by a person not authorized to practice law in the State of Maine. The petitioner is a corporation properly registered with the Secretary of State.

“A corporation may appear in court only through a licensed attorney.” *Land Management, Inc. v. Department of Environmental Protection, et al.*, 368 A.2d 602, citing *Paradise v. Nowlin*, 86 Cal.App.2d 897, 195 P.2d 867 (Me. 1948). “There is abundant authority, both state and federal, rejecting the argument, as advanced by the plaintiff, that a corporation has the right to appear in court without the aid of a licensed attorney.” *Id.* (citations omitted). “Since the plaintiff was not represented by counsel licensed to practice law, its complaint was a nullity and was properly dismissed by the presiding justice.” *Id.* at 604, citing *National Publicity Society v. Raye*, 115 Me. 147, 152, 98 A. 300, 302 (1916). *See also Patten Grounds Care, Inc. v. Maine Revenue Services*, 2005 Me. Super. LEXIS 13 (a corporation may bring an action in Maine only through an attorney

licensed to practice law in this state). Citing *Spickler v. York*, 566 A.2d 1385, 1390 (Me. 1989). See also *Medical Management of New England, Inc. v. State Tax Assessor, et al.*, 2000 Me. Super. LEXIS 264 (as a matter of law, there has been no filing acceptable by the clerk. Said another way, the receipt by the clerk of the improper petition was a nullity and of no effect as the clerk had no authority to accept them. Since the clerk could not have accepted the petitions, there is no matter before the court within its jurisdiction.)

The entry will be:

This court has no jurisdiction and the petition is not properly filed and accepted; petition DISMISSED.

Dated: July 19, 2006



Donald H. Marden
Justice, Superior Court