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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 594, L.D. 845, Bill, “An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services”

Amend the bill in section 2 in paragraph D in the last line (page 1, line 13 in L.D.) by inserting after the following: "or C" the following: 'subject to the limitations in section 1804, subsection 3, paragraph L'

Amend the bill by adding after section 2 the following:

'Sec. 3. 4 MRSA §1804, sub-§3, ¶J, as amended by PL 2013, c. 159, §12, is further amended to read:

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;
- (2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and
- (3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; ~~and~~

Sec. 4. 4 MRSA §1804, sub-§3, ¶K, as enacted by PL 2013, c. 159, §13, is amended to read:

COMMITTEE AMENDMENT

1 K. Pay appellate counsel; and

2 **Sec. 5. 4 MRSA §1804, sub-§3, ¶L** is enacted to read:

3 L. Develop a procedure for approving requests by counsel for authorization to file a
4 petition as described in section 1802, subsection 4, paragraph D. Compensation for
5 preparation and filing of the petition may not exceed \$1,500.'

6 **SUMMARY**

7 The bill expands the definition of indigent legal services administered through the
8 Maine Commission on Indigent Legal Services to include filing of a petition for certiorari
9 to the United States Supreme Court. This amendment requires the commission to
10 develop a procedure for approving requests by counsel for authorization to file a petition
11 for certiorari. Compensation for the preparation and filing of the petition may not exceed
12 \$1,500.