



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1801

S.P. 700

In Senate, April 29, 2025

An Act to Make Technical Changes to the Laws Governing the Maine Commission on Public Defense Services

Reported by Senator CARNEY of Cumberland for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 4, section 1804, subsection 3, paragraph H.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §1802, sub-§3-A**, as enacted by PL 2023, c. 638, §2, is amended
3 to read:

4 **3-A. Employed counsel.** "Employed counsel" means an attorney employed by the
5 commission to provide legal services directly to persons who are eligible to receive indigent
6 legal services in civil proceedings.

7 **Sec. 2. 4 MRSA §1802, sub-§4**, as amended by PL 2021, c. 676, Pt. A, §3, is further
8 amended to read:

9 **4. Indigent legal services.** "Indigent legal services" means ~~legal representation~~
10 ~~provided to:~~

11 A. ~~An~~ Legal representation provided to an indigent defendant in a criminal case in
12 which the United States Constitution or the Constitution of Maine or federal or state
13 law requires that the State provide representation;

14 B. ~~An~~ Legal representation provided to an indigent party in a civil case in which the
15 United States Constitution or the Constitution of Maine or federal or state law requires
16 that the State provide representation;

17 C. ~~Juvenile~~ Legal representation provided to juvenile defendants; ~~and~~

18 D. ~~An~~ Legal representation provided to an indigent defendant or party or a juvenile
19 for the purpose of filing, on behalf of that indigent defendant or party or juvenile, a
20 petition for certiorari to the Supreme Court of the United States from an adverse
21 decision of the Law Court on a case for which services were previously provided to
22 that defendant or party or juvenile pursuant to paragraph A, B or C-; and

23 E. Services performed by an attorney at the direction of the commission that aid the
24 commission in fulfilling the commission's purpose under section 1801.

25 "Indigent legal services" does not include the services of a guardian ad litem appointed
26 pursuant to Title 22, section 4005, subsection 1.

27 **Sec. 3. 4 MRSA §1802, sub-§5**, as enacted by PL 2023, c. 638, §3, is amended to
28 read:

29 **5. Public defender.** "Public defender" means an attorney employed by the
30 commission to provide legal services directly to persons who are eligible to receive indigent
31 legal services in criminal and juvenile proceedings.

32 **Sec. 4. 4 MRSA §1804, sub-§3, ¶A**, as amended by PL 2023, c. 638, §7, is further
33 amended to read:

34 A. Develop and maintain a system that employs employed counsel and public
35 defenders, uses appointed private attorneys and contracts with individual attorneys or
36 groups of attorneys to provide high-quality, effective and efficient indigent legal
37 services. The commission shall consider other programs necessary to provide high-
38 quality, effective and efficient indigent legal services;

39 **Sec. 5. 4 MRSA §1806, sub-§2, ¶G** is enacted to read:

