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Date: (Filing No. S-)

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**STATE OF MAINE
SENATE
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 894, L.D. 2193, “An Act to Extend the Requirement That the Maine Commission on Public Defense Services Compensate Certain Private Attorneys Appointed to Provide Indigent Legal Services”

Amend the bill in the emergency preamble in the 4th paragraph in the 3rd line (page 1, line 14 in L.D.) by striking out the following: "2 years" and inserting the following: 'one year'

Amend the bill by inserting before section 1 the following:

'Sec. 1. 4 MRSA §1802, sub-§4-A is enacted to read:

4-A. Private attorney. "Private attorney" means an attorney who is not a public defender, contract counsel, assigned counsel or employed counsel.'

Amend the bill in section 1 in subsection 1 in the 2nd line (page 1, line 24 in L.D.) by striking out the following: "February 1, 2026 2028" and inserting the following: 'February April 1, 2026 2027'

Amend the bill in section 1 in subsection 1 in paragraph E in the 4th line (page 1, line 38 in L.D.) by striking out the following: "February 1, 2026 2028" and inserting the following: 'February April 1, 2026 2027'

Amend the bill in section 2 in subsection 3 in the 3rd line (page 2, line 3 in L.D.) by striking out the following: "February 1, 2026 2028" and inserting the following: 'February April 1, 2026 2027'

Amend the bill in section 2 in subsection 3 in paragraph A in the 3rd line (page 2, line 6 in L.D.) by striking out the following: "February 1, 2026 2028" and inserting the following: 'February April 1, 2026 2027'

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 4 MRSA §1807-A is enacted to read:

§1807-A. Court appointment of private attorney

COMMITTEE AMENDMENT

1 **1. Appointment of private attorneys by District Court and Superior Court.**

2 Notwithstanding any provision of this chapter to the contrary, a court may appoint a private
3 attorney to represent a person who is eligible to receive indigent legal services in a matter
4 pending before the District Court or Superior Court, including for purposes of providing
5 limited representation as defined by the court in its appointment order, if the court finds the
6 following:

7 A. A public defender, assigned counsel, contract counsel or employed counsel is not
8 available to represent the person;

9 B. The private attorney is qualified to represent the person in the matter pending before
10 the court, has not been disqualified by the commission and has at least 3 years of legal
11 experience relevant to the pending matter; and

12 C. The private attorney consents in advance to the appointment.

13 **2. Private attorney appointment; Supreme Judicial Court.** Notwithstanding any
14 provision of this chapter to the contrary, a court may appoint a private attorney to represent
15 a person who is eligible to receive indigent legal services in a matter before the Supreme
16 Judicial Court, including for purposes of providing limited representation as defined by the
17 court in its appointment order, if the court finds the following:

18 A. A public defender, assigned counsel, contract counsel or employed counsel is not
19 available to represent the person;

20 B. The private attorney is qualified to represent the person in the matter pending before
21 the court, has not been disqualified by the commission and either has at least 3 years
22 of legal experience relevant to the pending matter or has previously served as a law
23 clerk analyzing cases relevant to the pending matter; and

24 C. The private attorney consents in advance to the appointment.

25 **3. Compensation and reimbursement.** The commission shall provide compensation
26 and reimbursement to a private attorney appointed by the court under subsection 1 or 2 in
27 accordance with this subsection.

28 A. The compensation and reimbursement must be equivalent to the compensation and
29 reimbursement provided to assigned counsel under the rulemaking directed by section
30 1804, subsection 3, paragraph F. The commission may decline to compensate or
31 reimburse the private attorney for a particular expense or task to the same extent that
32 the commission would decline to compensate or reimburse assigned counsel for a
33 similar expense or task under the rules and procedures adopted by the commission
34 pursuant to section 1804.

35 B. The process for compensation and reimbursement must be in accordance with the
36 requirements established by the commission under section 1804, subsection 3,
37 paragraph B for voucher review and payment authorization.

38 C. For each court proceeding identified by a single docket number, the commission is
39 not required to compensate or reimburse more than one private attorney for services
40 provided to represent a single indigent legal services client.

41 **4. Supervision.** The commission's supervision of a private attorney appointed
42 pursuant to subsection 1 or 2 is limited to addressing complaints made by the client whom
43 the private attorney was appointed to represent under subsection 1 or 2.

