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Date: (Filing No. S- )

**JUDICIARY**

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

COMMITTEE AMENDMENT “ ” to S.P. 895, L.D. 2194, “An Act to Clarify Responsibility for Compensation of Court-appointed Attorneys in Certain Proceedings”

Amend the bill by striking out all of section 1 and inserting the following:

**'Sec. 1. 4 MRSA §1802, sub-§4**, as amended by PL 2025, c. 511, §1, is further amended to read:

**4. Indigent legal services.** "Indigent legal services" means:

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

B. Legal representation provided to an indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law, except any provision of Title 18-C, requires that the State provide representation;

B-1. Legal representation provided by an attorney appointed by a court:

(1) Pursuant to Title 25, section 2244, subsection 2, paragraph B to represent an indigent party who is a respondent in an extreme risk protection order proceeding;

(2) Pursuant to Title 34-B, section 3862-A, subsection 6, paragraph A to represent an indigent party who is a restricted person in an extreme risk protection order proceeding; and

(3) Pursuant to Title 34-B, section 3864, subsection 5, paragraph D to represent a person who is the subject of an involuntary commitment proceeding or involuntary treatment proceeding;

C. Legal representation provided by an attorney appointed by a court to represent a juvenile defendant defendant or a juvenile who petitions for emancipation pursuant to Title 15, section 3506-A;

C-1. Legal services performed for a nonparty witness if the nonparty witness is located in the State, if the nonparty witness is determined to be indigent by a court and if the

**COMMITTEE AMENDMENT**

1 United States Constitution or the Constitution of Maine requires that the State provide  
2 counsel to the nonparty witness related to the nonparty witness's expected testimony in  
3 a criminal proceeding, a juvenile proceeding, an emancipation proceeding, a child  
4 protection proceeding, an involuntary commitment proceeding, an involuntary  
5 treatment proceeding or an extreme risk protection order proceeding. For purposes of  
6 this paragraph, "indigent legal services" includes only those legal services necessary to  
7 preserve the nonparty witness's privilege against self-incrimination afforded under the  
8 United States Constitution and the Constitution of Maine;

9 D. Legal representation provided to an indigent defendant or party or a juvenile for the  
10 purpose of filing, on behalf of that indigent defendant or party or juvenile, a petition  
11 for certiorari to the Supreme Court of the United States from an adverse decision of the  
12 Law Court on a case for which services were previously provided to that defendant or  
13 party or juvenile pursuant to paragraph A, B, B-1 or C; and

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

16 "Indigent legal services" includes the services of an attorney appointed pursuant to Title  
17 22, section 4005, subsection 1, paragraph F but does not include the services of a guardian  
18 ad litem appointed pursuant to any provision of Title 18-C or pursuant to Title 19-A, section  
19 1658, subsection 2-A or Title 22, section 4005, subsection 1.

20 **Sec. 2. 15 MRSA §3506-A, sub-§1**, as amended by PL 2019, c. 525, §32, is further  
21 amended to read:

22 **1. Petition for emancipation.** If a juvenile is 16 years of age or older and refuses to  
23 live in the home provided by the juvenile's parent or parents, guardian or legal custodian,  
24 the juvenile may request the District Court in the division in which the juvenile's parent or  
25 parents, guardian or legal custodian resides to appoint counsel for the juvenile to petition  
26 for emancipation. If the court appoints counsel for the juvenile under this subsection, the  
27 juvenile must be considered indigent and the appointment must be at public expense.'

28 Amend the bill by inserting after section 3 the following:

29 '**Sec. 4. 34-B MRSA §3864, sub-§5, ¶D**, as amended by PL 2007, c. 319, §10, is  
30 further amended to read:

31 D. The person must be afforded an opportunity to be represented by counsel, and, if  
32 neither the person nor others provide counsel, the court shall appoint counsel for the  
33 person. If the court appoints counsel for the person under this paragraph, the person  
34 must be considered indigent and the appointment must be at public expense.

35 **Sec. 5. Appropriations and allocations.** The following appropriations and  
36 allocations are made.

37 **PUBLIC DEFENSE SERVICES, MAINE COMMISSION ON**

38 **Maine Commission on Public Defense Services Z112**

39 Initiative: Provides funding for compensating assigned counsel and providing training.

40 <b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
41 All Other	\$0	\$995,000
42	_____	_____

1 GENERAL FUND TOTAL \$0 \$995,000

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3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
4 number to read consecutively.

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### SUMMARY

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This amendment, which is the majority report of the committee, makes the following  
7 changes to the bill.

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1. It clarifies that legal services performed for a nonparty witness are considered  
9 indigent legal services if the nonparty witness is determined to be indigent, the United  
10 States Constitution or the Constitution of Maine requires that the State provide counsel to  
11 that nonparty witness regarding the witness's privilege against self-incrimination and the  
12 nonparty witness will appear as a witness in the State in a criminal proceeding; a juvenile  
13 proceeding; an emancipation proceeding; a child protection proceeding; an involuntary  
14 commitment proceeding; an involuntary treatment proceeding; or an extreme risk  
15 protection order proceeding. This requirement differs from the bill, which does not  
16 specifically require the nonparty witness to be indigent or limit the types of proceedings in  
17 which the nonparty witness has been called to testify in order to receive indigent legal  
18 services under this provision of law.

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2. It clarifies that, if a court appoints an attorney to represent a juvenile in an  
20 emancipation proceeding or a respondent in an involuntary commitment or involuntary  
21 treatment proceeding, the juvenile or respondent must be considered indigent and the  
22 appointment must be at public expense.

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3. It adds an appropriations and allocations section.

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### FISCAL NOTE REQUIRED

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(See attached)