

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 236 - L.D. 565

An Act to Improve Maine's System for Protecting Sixth Amendment Rights

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

Sec. 1. 4 MRSA §1804, sub-§2, as amended by PL 2021, c. 720, §1, is further amended to read:

2. Standards Rulemaking. The commission shall ~~develop standards~~ adopt rules governing the delivery of indigent legal services, ~~including by assigned counsel, contract counsel and public defenders.~~ The rules adopted by the commission must include:

- A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees and the cost of private legal services in the relevant geographic area;
- B. Standards prescribing minimum experience, training and other qualifications for contract counsel ~~and~~ assigned counsel and public defenders;
- C. Standards for assigned counsel ~~and~~ contract counsel and public defender case loads;
- D. Standards for the evaluation of assigned counsel ~~and~~ contract counsel and public defenders. The commission shall review the standards developed pursuant to this paragraph at least every 5 years, or earlier upon the ~~earlier~~ recommendation of the executive director;
- E. Standards for independent, ~~quality~~ high-quality and efficient representation of clients whose cases present conflicts of interest;
- F. Standards for the reimbursement of expenses incurred by assigned counsel ~~and~~ contract counsel and public defenders, including attendance at training events provided by the commission; and
- G. Other standards considered necessary and appropriate to ensure the delivery of adequate indigent legal services.

Sec. 2. 4 MRSA §1804, sub-§3, ¶A, as amended by PL 2021, c. 481, §1, is further amended to read:

A. Develop and maintain a system that ~~may employ attorneys, use~~ employs public defenders, uses appointed private attorneys and ~~contract~~ contracts with individual attorneys or groups of attorneys. The commission shall consider other programs necessary to provide quality and efficient indigent legal services;

Sec. 3. 4 MRSA §1804, sub-§3, ¶F, as enacted by PL 2009, c. 419, §2, is amended to read:

F. Establish rates of compensation for assigned counsel and contract counsel;

Sec. 4. 4 MRSA §1804, sub-§3, ¶G, as enacted by PL 2009, c. 419, §2, is amended to read:

G. Establish a method for accurately tracking ~~and~~, monitoring and enforcing case loads ~~of~~ load standards for assigned counsel and contract counsel and public defenders;

Sec. 5. 4 MRSA §1804, sub-§3, ¶H, as amended by PL 2017, c. 284, Pt. UUUU, §4, is further amended by amending subparagraph (1) to read:

(1) An evaluation of: contracts; services provided by contract counsel ~~and~~, assigned counsel and public defenders; any contracted professional services; and cost containment measures; and

Sec. 6. 4 MRSA §1806, sub-§4 is enacted to read:

4. Rules of professional conduct. Nothing in this section prohibits the executive director or the executive director's designee from reporting potential professional misconduct under the Maine Rules of Professional Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.

Sec. 7. 30-A MRSA §1662, sub-§3, as enacted by PL 2017, c. 214, §2, is amended to read:

3. Pretrial detention. ~~Beginning November 1, 2017, a~~ A county jail or regional jail shall report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located and to the Maine Commission on Indigent Legal Services on the pretrial detention population in the jail. The jail shall report on the form provided by the Unified Criminal Docket.