

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date:

(Filing No. S-)

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 236, L.D. 565, “An Act to Improve
Maine’s System for Protecting Sixth Amendment Rights”

Amend the bill by striking out everything after the enacting clause and inserting the
following:

'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

COMMITTEE AMENDMENT

1 G. Other standards considered necessary and appropriate to ensure the delivery of
2 adequate indigent legal services.

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

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

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

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

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

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

16 **Sec. 5. 4 MRSA §1804, sub-§3, ¶H**, as amended by PL 2017, c. 284, Pt. UUUU,
17 §4, is further amended by amending subparagraph (1) to read:

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

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

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

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

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

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

36 SUMMARY

37 This amendment, which is the majority report of the committee, replaces the bill, which
38 is a concept draft. It amends the laws governing the Maine Commission on Indigent Legal
39 Services in the following ways.

