

Annual List of Rule-Making Activity
Rules Adopted January 1, 2016 to December 31, 2016
Prepared by the Secretary of State, pursuant to 5 MRS, §8053-A, sub-§5

Agency name: **Maine Commission on Indigent Legal Services**
Umbrella-Unit: **94-649**
Statutory authority: 4 MRS §1804(2)(B),(2)(G), (3)(E) *and* (4)(D); Resolve 2015 ch. 75
Chapter number/title: **Ch. 3**, Eligibility Requirements for Specialized Case Types
Filing number: **2016-091**
Effective date: 6/10/2016
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

Pursuant to 5 MRS §1804(3)(E) the Commission is obligated to "ensure that attorneys are qualified and capable of providing quality representation in the case types to which they are assigned, recognizing that quality representation in each of these types of cases requires counsel with experience and specialized training in that field."

Basis statement / summary:

This rule amends the MCILS eligibility requirements to receive assignments in specialized case types by removing involuntary commitment from the list of specialized case types and adding appeal and post-conviction review to that list. The amendment also amends the list of serious violent felonies and sex offenses to add some charges and remove others. Finally, the amendment changes various eligibility and application requirements with respect to specialized case types.

Fiscal impact of rule:

No fiscal impact.

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Agency name: **Maine Commission on Indigent Legal Services**
Umbrella-Unit: **94-649**
Statutory authority: 4 MRS §1804(2)(F), (3)(B),(3)(F),(4)(D); Resolve 2015 ch. 74
Chapter number/title: **Ch. 301**, Fee Schedule and Administrative Procedures for Payment of Commission Signed Counsel
Filing number: **2016-092**
Effective date: 6/10/2016
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

Pursuant to 5 MRS §1804(3)(F) the Commission is required to establish the rate of compensation for assigned counsel. This amendment raises the hourly rate paid to attorneys as directed by the Legislature to bring the hourly rate into alignment with the amount of funds appropriated by the Legislature for that purpose.

Basis statement / summary:

Prior to July 1, 2015, the MCILS fee schedule set the hourly rate paid to attorneys providing indigent legal services at \$55.00/hr. In Sec. A-41 of the biennial budget passed by the Legislature for fiscal years 2015-2016 and 2016-2017, the Legislature appropriated sufficient funds to pay lawyers \$60.00/hr. for the 2015-2016 fiscal year and for the 2016-2017 fiscal year. The Legislature also directed the Commission, in Sec. Y-1 of that budget, to amend its rules to set the hourly rate in accordance with the hourly rate set forth in the budget. On July 1, 2015, the Commission promulgated an emergency rule to set the rate at \$60/hr. This amendment will make that change permanent.

Fiscal impact of rule:

Yes. As compared to the rule in effect prior to the emergency amendment adopted on July 1, 2015, the rate increase contained in this rule-making will increase the cost of providing indigent legal services by \$1,470,790 in fiscal year 2015-2016 and by \$1,592,773 in fiscal year 2016-2017.