

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2022 to December 31, 2022**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-S sub-§5*

**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); PL 2021 ch. 398 §A-22  
**Chapter number/title:** **Ch. 301**, Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel  
**Filing number:** **2022-007**  
**Effective date:** 1/17/2022  
**Type of rule:** Major Substantive/Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

Pursuant to 4 MRS §1804(3)(F), the Commission is required to establish the rate of compensation for court appointed and Commission assigned counsel. This rule amendment makes permanent the emergency rule adopted in July 2021 which raised the hourly rate paid to attorneys to \$80 per hour pursuant to a legislative appropriation for that purpose. This rule also sets the fee amounts that trigger presumptive review for specific case types and provides for some discretion for the Executive Director to authorize payment of a voucher submitted after 90 days of the triggering date upon a showing of good cause.

**Basis statement:**

Since July 1, 2015, MCILS Rules Chapter 301, Section 2, has authorized a rate of Sixty Dollars (\$60.00) per hour for time spent on an assigned case. Court appointed counsel operating under the MCILS system have been withdrawing from that system in part because the rate of payment for work on assigned cases did not permit counsel to operate cost efficiently. MCILS relies on appointed counsel to discharge its constitutional and statutory obligations. In sec. A-22 of the supplemental appropriations bill passed by the Legislature for fiscal years 2021-2022 and 2022-2023, the Legislature appropriated sufficient funds to pay lawyers \$80.00/hr. for the 2021-2022 fiscal year and the 2022-2023 fiscal year. Section 2 was amended on July 21, 2021 by emergency rulemaking to permit MCILS to pay appointed counsel the \$80 per hour provided by the Legislature. The rule amendment also sets the fee amounts that trigger presumptive review for specific case types and provides for some discretion for the Executive Director to authorize payment of a voucher submitted after 90 days of the triggering date upon a showing of good cause.

**Fiscal impact of rule:**

The rate increase contained in this permanent rule will increase the cost of providing indigent legal services by \$5,732,980 in fiscal year 2021-2022 and by \$5,732,980 in fiscal year 2022-2023.

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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); PL 2021 ch. 398 §A-22  
**Chapter number/title:** **Ch. 301**, Fee Schedule and Administrative Procedures for Payment Court or Commission Assigned Counsel  
**Filing number:** **2022-100**  
**Effective date:** 6/23/2022  
**Type of rule:** Major Substantive  
**Emergency rule:** No

**Principal reason or purpose for rule:**

Pursuant to 4 MRS §1804(3)(F), the Commission is required to establish the rate of compensation for court appointed and Commission assigned counsel. This rule amendment makes permanent the emergency rule adopted in July 2021 which raised the hourly rate to attorneys to \$80 per hour pursuant to a legislative appropriation for that purpose.

**Basis statement:**

Since July 1, 2015, MCILS Chapter 301 Section 2, has authorized a rate of Sixty Dollars (\$60.00) per hour for time spent on an assigned case. Court appointed counsel operating under the MCILS system have been withdrawing from that system in part because the rate of payment for work on assigned cases did not permit counsel to operate cost efficiently. MCILS relies on appointed counsel to discharge its constitutional and statutory obligations. In Sec. A-22 of the supplemental appropriations bill passed by the Legislature for fiscal years 2021-2022 and 2022- 2023, the Legislature appropriated sufficient funds to pay lawyers \$80.00/hr. for the 2021-2022 and the 2022-2023 fiscal years. Section 2 was amended on July 21, 2021 by emergency rulemaking to permit MCILS to pay appointed counsel the \$80 per hour provided by the Legislature. The rule amendment proposed here will make the changes adopted in the emergency rule permanent. The rule amendment also sets the fee amounts that trigger presumptive review for specific case types and provides for some discretion for the Executive Director to authorize payment of a voucher submitted after 90 days of the triggering date upon a showing of good cause.

**Fiscal impact of rule:**

The rate increase contained in this permanent rule will increase the cost of providing indigent legal services by \$5,732,980 in fiscal year 2021-2022 and by \$5,732,980 in fiscal year 2022-2023

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**Umbrella-Unit:** **94-649**  
**Statutory authority:** 4 MRS §§ 1804(2)(G), (3)(A), (4)(D)  
**Chapter number/title:** **Ch. 303** (*New*), Procedures Regarding Legal Research Access and Materials  
**Filing number:** **2022-222**  
**Effective date:** 11/12/2022  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

MCILS received funding from the 130<sup>th</sup> Legislature to allow it to provide online legal research services at no cost to its rostered attorneys who provide direct client services and to allow those attorneys to seek reimbursement for necessary legal research materials. Providing access to these materials works to fulfil the Commission's statutory mission of providing efficient, high quality representation to indigent clients.

**Fiscal impact of rule:**  
\$275,000.