

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services

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

Sec. 1. 4 MRSA §1804, sub-§3, ¶J, as enacted by PL 2009, c. 419, §2, is repealed and the following enacted in its place:

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

(1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

Appeals of decisions under subparagraphs (1) and (2) must be reviewed by a quorum of the commission. A panel of 2 members of the commission is authorized to hear and determine appeals of decisions under subparagraph (3). All other decisions of the executive director, or the executive director's designee, constitute final agency action.

SUMMARY

This bill amends current law relating to the Maine Commission on Indigent Legal Services to state specifically which decisions of the executive director must be subject to an appeal process for attorneys aggrieved by such decisions. The bill requires the commission to develop an appeal process for the commission to review decisions of the executive director, or the executive director's designee, regarding whether an attorney meets the commission's minimum eligibility requirements to receive assignments to represent indigent clients and whether an attorney meets the eligibility requirements for assignments to specialized case types, whether an attorney previously found eligible for such assignments is found to be no longer eligible and whether to grant or withhold a waiver of such eligibility requirements.

SP0182, LD 602, item 1, 125th Maine State Legislature
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Director of the Maine Commission on Indigent Legal Services

The bill also provides that a quorum of the commission must review decisions on whether the eligibility requirements are met, but that a panel of 2 members of the commission is authorized to review decisions regarding waiver of those requirements.