

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 Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential

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

Sec. 1. 4 MRSA §1806 is enacted to read:

§ 1806. Information not public record

Disclosure of information and records in the possession of the commission is governed by this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Individual client information" means name, date of birth, social security number, gender, ethnicity, home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number and any information protected under the attorney-client relationship.

B. "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number, date of birth and social security number.

C. "Request for funds for expert or investigative assistance" means a request submitted to the commission by an indigent party or by an attorney on behalf of an indigent client seeking authorization to expend funds for expert or investigative assistance, which includes, but is not limited to, the assistance of a private investigator, interpreter or translator, psychiatrist, psychologist or other mental health expert, medical expert and scientific expert.

2. Confidential information. The following information and records in the possession of the commission are not open to public inspection and do not constitute public records as defined in Title 1, section 402, subsection 3.

A. Individual client information that is submitted by a commission-rostered attorney or a court is confidential.

B. Information subject to the lawyer-client privilege set forth in the Maine Rules of Evidence, Rule 502 or that constitutes a confidence or secret under the Maine Rules of Professional Conduct, Rule 1.6 is confidential.

C. Personal contact information of a commission-rostered attorney is confidential.

D. Personal contact information of a member of the commission or a commission staff member is confidential.

E. A request for funds for expert or investigative assistance that is submitted by an indigent party or by an attorney on behalf of an indigent client is confidential. The decision of the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, to grant or deny such a request is not confidential.

F. Any information obtained or gathered by the commission when performing an evaluation of an attorney is confidential.

SUMMARY

This bill makes certain records in the possession of the Maine Commission on Indigent Legal Services confidential. Specifically, the bill makes confidential:

1. Individual client information;
2. Information that is subject to the attorney-client privilege or that is defined as confidential under the Maine Rules of Professional Conduct;
3. Personal contact information of commission-rostered attorneys, members of the commission and commission staff;
4. Requests for funds for expert or investigative assistance; and
5. Information obtained or gathered by the commission when performing an evaluation of an attorney.