

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 Require the Maine Commission on Indigent Legal Services To Pay Court-appointed Attorneys for Certain Probate Court Cases

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

Sec. 1. 4 MRSA §1801, as enacted by PL 2009, c. 419, §2, is amended to read:

§ 1801. Maine Commission on Indigent Legal Services; established

The Maine Commission on Indigent Legal Services, established by Title 5, section 12004-G, subsection 25-A, is an independent commission whose purpose is to provide efficient, high-quality representation to indigent criminal defendants, juvenile defendants, minors and indigent adults subject to conservatorship or guardianship under the Uniform Guardianship and Protective Proceedings Act and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest.

Sec. 2. 4 MRSA §1802, sub-§4, ¶B, as enacted by PL 2009, c. 419, §2, is amended to read:

B. An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; ~~and~~

Sec. 3. 4 MRSA §1802, sub-§4, ¶¶B-1 and B-2 are enacted to read:

B-1. An indigent adult for whom legal representation was appointed under the Uniform Guardianship and Protective Proceedings Act;

B-2. A minor for whom legal representation was appointed under the Uniform Guardianship and Protective Proceedings Act; and

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

D. Develop criminal defense, guardianship and protective proceedings, child protective and involuntary commitment representation training and evaluation programs for attorneys throughout the State to ensure an adequate pool of qualified attorneys;

Sec. 5. 18-C MRSA §5-128 is enacted to read:

§ 5-128. Attorney's fees for indigent adults and minors

If an attorney is appointed by the court to represent an adult subject to conservatorship, an adult subject to guardianship, a minor subject to conservatorship or a minor subject to guardianship under this Article and, if an adult, the person is indigent, the attorney's fees must be paid by the Maine Commission on Indigent Legal Services pursuant to Title 4, chapter 37.

SUMMARY

This bill provides that when a probate court appoints an attorney for a party in a guardianship or protective proceeding, if the party is indigent or a minor, the attorney's fees must be paid by the Maine Commission on Indigent Legal Services.