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**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 271, L.D. 396, Bill, “An Act To Appropriate Sufficient Funds for Indigent Legal Services”

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the rules of the Maine Commission on Indigent Legal Services concerning the rates to be paid to counsel are routine technical rules under the Maine Administrative Procedure Act; and

**Whereas,** the Legislature has determined that because sufficient appropriations are required to fund indigent legal services, it is appropriate that the rates be set through major substantive rulemaking so that the Legislature has an opportunity to oversee the rates before they are adjusted; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 4 MRSA §1804, sub-§4, ¶D,** as enacted by PL 2009, c. 419, §2, is amended to read:

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish standards under subsection 2, paragraph B and rates of compensation for assigned counsel and contract counsel under subsection 2, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A ~~and must be reviewed before final approval by the joint standing committee of the Legislature having jurisdiction over judiciary matters; and~~

**COMMITTEE AMENDMENT**

