

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
S.P. 852 - L.D. 2059

An Act to Provide Required Funding for the Reimbursement of Assigned Counsel

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 State's constitutional and statutory obligations include ensuring that each person facing a potential loss of liberty in a criminal or juvenile proceeding and each parent facing a potential loss of parental rights in a child protection proceeding is provided with effective representation; and

Whereas, on January 3, 2025, in *Robbins v. Billings, et al.* No. CV-22-054 (Me. Super. Ct., Ken. Cty., Jan. 3, 2025) (Combined Order on Partially Dispositive Motions), the Maine Superior Court concluded that the State has violated its constitutional obligations under the United States Constitution, Amendment VI to provide continuous representation to certain criminal defendants in the State; and

Whereas, the State's primary method for fulfilling its constitutional and statutory obligations is through the appointment of qualified attorneys to provide indigent legal services to eligible persons and reimbursement of these attorneys by the Maine Commission on Public Defense Services in accordance with the hourly rate established by law and the restrictions on eligible expenses established by the commission by rule; and

Whereas, due to a shortfall in funding, the Maine Commission on Public Defense Services is anticipated to exhaust available appropriations to reimburse assigned counsel in April 2026; 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. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC DEFENSE SERVICES, MAINE COMMISSION ON

Maine Commission on Public Defense Services Z112

Initiative: Provides one-time funding to address the shortfall in funding available to compensate constitutionally and statutorily required assigned counsel in fiscal years 2025-26 and 2026-27.

GENERAL FUND	2025-26	2026-27
All Other	\$13,000,000	\$9,000,000
GENERAL FUND TOTAL	<u>\$13,000,000</u>	<u>\$9,000,000</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.