



February 23, 2026

Sen. Rotundo, Chair
Rep. Gattine, Chair
Joint Standing Committee on
Appropriations and Financial Affairs

Sen. Anne Carney, Chair
Rep. Amy Kuhn, Chair
Joint Standing Committee on the Judiciary

Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: *LD 2212, Governor's Supplemental Budget – Support for Additional Civil Legal Services Funding (Z367) and Additional Funding for Maine Commission on Public Defense Services (Part T, Account Z112)*

Dear Chairs Rotundo, Gattine, Carney, Kuhn, and Members of both Committees:

On behalf of the Board of Governors of the Maine State Bar Association, we write in support of two initiatives related to the Governor's Supplemental Budget that sustain core elements of Maine's justice system:

1. **Civil Legal Services (Z367):** To include \$3 million in additional funding for the Maine Civil Legal Services Fund for FY 2026–27, in addition to the existing \$1.3 million baseline included in the Maine Civil Legal Services Fund, and
2. **Indigent Legal Defense (Part T):** To advance this portion of the Supplemental Budget (Z112) authorizing transfers to the Maine Commission on Public Defense Services (MCPDS) in the amount of \$12,322,443 for FY26 and \$13,026,035 for FY27.

About MSBA. The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 2,500 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law.

Support for \$3 Million in Additional Civil Legal Services Funding for FY27 (Z367). The Maine State Bar Association supports continued and sustained state funding for civil legal services in the Maine Civil Legal Services Fund (Z367), which are essential to ensuring equal access to justice and the fair functioning of Maine's courts. The current biennial budget includes ongoing funding for civil legal services in the amount of \$1.3 million for FY27 and beyond. Today, however, we ask the Legislature to supplement this baseline amount by \$3 million for a total of \$4.3 million in FY27. Notably, the biennial budget for FY 2025–26 included a one-time \$3M appropriation to civil legal aid, but this funding was not continued in FY27 and was not addressed in the Supplemental Budget. As a result, if no additional funding is added for FY27, then funding for civil legal services will drop by \$3 million.

Civil legal aid provides critical value to the state by helping resolve legal problems efficiently, stabilizing families and communities, and reducing downstream costs to courts and public systems. The presence of qualified attorneys on both sides of civil matters improves the quality of legal proceedings, assists courts in reaching accurate and timely decisions, and supports the integrity and effectiveness of Maine's legal system. While members of the Maine State Bar Association contribute significant pro bono services, volunteer efforts alone cannot meet the overwhelming need among low-income Mainers who qualify for assistance. State investment in civil legal services is therefore necessary to protect the rights of vulnerable residents and to ensure the proper administration of justice statewide.

We understand that, without additional funding in the upcoming fiscal year, civil legal service providers anticipate substantial reductions in services statewide. Ensuring stable funding for these organizations is important not only for the individuals directly served, but also for the courts and public systems that depend on efficient resolution of civil matters.

Support for Part T – MCPDS Transfers. MSBA also supports Sections T-18 and T-19 (Z112) of the Supplemental Budget authorizing transfers from the Budget Stabilization Fund to the Maine Commission on Public Defense Services in the amount of \$12,322,443 for FY26 and \$13,026,035 for FY27. As the Legislature is aware, Maine continues to confront significant challenges in ensuring timely access to constitutionally required counsel for indigent legal defendants. Stable and adequate funding for MCPDS remains essential to maintaining a unified and effective indigent defense system. Providing the resources necessary to meet operational, compliance, and technological needs helps ensure that the State can meet its Sixth Amendment obligations and continue progress toward reducing case backlogs.

Adequate compensation for assigned counsel and continued development of public defender capacity are critical to addressing attorney shortages, managing caseload pressures, and ensuring timely access to counsel. We further note that a significant reason for the current budget shortfall – and the need for this proposed transfer to MCPDS -- is the fact that, when the Legislature raised the hourly fee for assigned counsel to \$150/hour, it did not further increase the budget appropriation to account for this change. As a result, the system is confronting a shortfall in 2026 that cannot be addressed without this additional appropriation. Moreover, without addressing this shortfall, there is a risk that assigned counsel might ramp down their activities heading into next year in order to avoid working on cases for which payment might get delayed for many months, up to 180 days. Such an outcome would only worsen the current backlog of cases and exacerbate Maine's indigent legal defense crisis.

Conclusion. Sustained investment in both civil legal services and indigent legal defense is essential to the proper administration of justice in Maine. We respectfully encourage the Committees to support \$3 million in additional funding for civil legal services in FY27 and to approve Part T of the Supplemental Budget to support essential MCPDS services in FY26 and FY27.

Thank you for the opportunity to provide comments. Please do not hesitate to contact us if additional information would be helpful.

Sincerely,



Rachel D. Okun

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President, Board of Governors

cc: Angela Armstrong, Executive Director
Kristine Hanly, Chair, MSBA Legislative Committee
James I. Cohen, Verrill Dana, LLP, Legislative counsel for MSBA