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Judicial Branch testimony in opposition to LD 2219, An Act to Implement the Recommendations of the Maine Commission on Indigent Legal Services:

Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide testimony in opposition to one part of this bill.

Most of the sections of this bill involve tweaks to the laws involving the workings of the Maine Commission on Indigent Legal Services, "the Commission," and do not concern the Judicial Branch. Section 15 of the bill amends the law regarding the appointment of counsel in appeals of child protection cases. It requires the appointment of new counsel for any parent who appeals from an order entered in a child protection proceeding. The Judicial Branch was consulted on these revisions and offered some small suggestions which were included in the bill before you.

Section 1 of the bill, however, amends Title 4 section 1801 of the Maine Revised Statutes. Current law includes the statutory purpose of the Commission which is "to **provide** efficient, high quality representation to indigent criminal defendants..." The bill changes the word "provide" to "promote" and thus changes the Commission's purpose. The amended version reads as follows: "[the] purpose is to **promote** high quality, effective, efficient representation and due process..." Changing "provide" to "promote" is significant because it can be read to mean that the Commission is not required to hire or roster enough attorneys for all qualifying defendants and litigants.

We are not certain when this change was made but it only recently caught our attention. The change in meaning concerns us greatly and we would urge the Committee to amend this bill to its original language and restore the word "provide." If this change were made, we would not be opposed to the bill.

Thank you for your time.