



February 18, 2026

Dear Chairs Carney and Kuhn and distinguished members of the Committee on Judiciary:

I am writing in **opposition** to LD 2193: An Act to Extend the Requirement That the Maine Commission on Public Defense Services Compensate Certain Private Attorneys Appointed to Provide Indigent Legal Services.

As previously indicated in a report filed on the status of L.D. 1101 at the beginning of this year, during the eight months the statute was in effect, the courts reported to PDS making use of this provision approximately 33 times. Of those 33 assignments, 22 were made to attorneys who were already in the PDS program, could have been appointed through the regular process, and would be considered contract counsel under 1802. The eleven remaining appointments consisted of:

- six attorneys appointed to five protective custody appeals, one appeal was handled by two attorneys acting as co-counsel;
- two protective custody cases, one of which the client did not qualify for indigent legal services; and
- three adult criminal cases, in which one had the order of appointment rescinded and a PDS attorney was appointed.

Because these orders are not flagged for us, it is difficult for PDS to determine if there have been additional cases where this provision has been used. If the law is extended, it would be helpful to require notice be given to PDS of any appointments made pursuant to this Section.

The uncounseled list has fallen from a high of over 1,100 cases to under 200 in the past year. PDS is working diligently and successfully to reduce the number of individuals without counsel. There is no need to continue this authority.

I appreciate your consideration of this bill and urge you to vote "ought not to pass" on this legislation.

Thank you,

Frayla Tarpinian  
Executive Director Maine Commission on Public Defense Services