



Administrative Office of the Courts

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Judicial Branch testimony in opposition to LD 2195, An Act to Prohibit the Appointment or Assignment of a Private Attorney to Provide Indigent Legal Services Without That Attorney's Consent:

Senator Carney, Representative Kuhn, 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 LD 2195.

The Judicial Branch opposes the language in proposed section 1808(2) that purports to restrict the court's authority to appoint or assign an attorney under certain circumstances. Judges have the inherent power under the Constitution to appoint attorneys. This issue was reviewed last year and we believe that any outstanding issues can be resolved without further discussion of the court's inherent power.

The Judicial Branch does not object to the parts of the bill involving attorney consent or to the Maine Commission on Public Defense Services ("MCPDS") providing compensation for only those who meet MCPDS eligibility requirements. We are working on an amendment to LD 2193 that incorporates these provisions. We ask that LD 2195 be voted down regardless of the outcome of LD 2193.

Thank you for your time. I would be happy to answer any questions.