

**LEGAL SERVICES
FOR MAINE ELDERS**

Testimony of John Brautigam, Esq. before the
Joint Standing Committee on Appropriations and Financial Affairs
and the Joint Standing Committee on the Judiciary

LD 2212 – An Act Making Supplemental Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2026 and June 30, 2027.

In Support of Adding Funding to Incorporate Probate Judges into the Judicial Branch

Chairs Senator Rotundo and Representative Gattine, Chairs Senator Carney and Representative Kuhn, and distinguished members of the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on the Judiciary:

My name is John Brautigam, and I serve as Executive Director of Legal Services for Maine Elders. We provide statewide civil legal assistance to older Mainers with limited income whose housing, safety, health care access, or income are at risk.

I am here to flag a near-term funding need that is not in the supplemental budget but is likely to come before you soon: the initial Judicial Branch implementation costs for LD 1766. Sponsored by Senator Carney and recently voted Ought to Pass by the Judiciary Committee, LD 1766 would (1) move probate judges from county government into the Judicial Branch, (2) establish merit-based appointment of judges, and (3) consolidate judicial territories so that no probate judge must maintain a separate law practice to earn a living. LD 1766 finally fulfills the terms of a constitutional amendment approved by the voters in 1967.

Let me summarize why funding this bill is so important, beginning with a brief description of the Probate Courts. Probate matters are often out of public view, but they are highly consequential for many of the people who contact Legal Services for Maine Elders. Probate judges decide guardianship and conservatorship proceedings, contested estate matters, and disputes involving trusts and fiduciary obligations. At LSE we see firsthand how profoundly these cases affect Maine residents, including situations where a person's fundamental liberty to make decisions for themselves is at stake.

These complex judicial decisions deserve the strongest institutional structure Maine can provide. But the existing structure was built two centuries ago for a largely administrative probate system. It is poorly suited to today's probate docket and the decisions made every day.

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www.mainelse.org

There are three main problems with Maine's antiquated approach to probate judges. First, the system relies on part-time judges who must also maintain private law practices, creating unavoidable conflict and appearance concerns. Second, unlike the rest of Maine's judiciary, probate judges are not selected through a merit-based appointment process designed to promote independence and quality. Third, the current structure does not reliably provide the training, resources, and institutional support that match the gravity of probate decisions.

Of these, the built-in conflict of interest created when judges simultaneously serve as practicing attorneys is the most glaring problem. A system that allows judges to serve as practicing attorneys in their spare time raises concerns about appearance, public confidence, and consistency with broader judicial norms. This concern is widely recognized.

A Superior Court judge in Maine who conducted a law practice in other Maine Superior courts would likely face a formal judicial conduct investigation, public discipline, potential removal from office and discipline by the bar. But our system essentially *requires* probate judges to practice law. This makes no sense. Recusal rules are only a band-aid and cannot fix the corrosive effect from asking a judge to be both a neutral decision-maker and a working lawyer.

Even the finest attorneys need training and support when they become judges. But when a probate judge also maintains a private practice, Judicial Branch trainings and resources raise questions about special advantages that do not arise for judges who do not also practice law. For this reason, those trainings do not occur.

The compelling case for LD 1766 is substantiated by an extensive record built over many years and in different forums. The consistent conclusion is that Maine can, and should, modernize its Probate Courts. This is long overdue. The progress of this bill is a milestone in a long effort in which LSE is not alone, joined by Disability Rights Maine, other leaders in the civil legal aid community, distinguished attorneys in the private bar, and probate judges past and present.

I wanted to introduce this issue to the Appropriations and Financial Affairs Committee in conjunction with testimony on funding for the Judicial Branch. When the fiscal note is complete, we anticipate that it will show that a modest amount of additional funding allowing the Judicial Branch to plan and manage the first phase of LD 1766 will be needed in this biennium. We ask you to support the start-up funding needed for the Judicial Branch to plan and launch implementation.

We were grateful to hear the Judicial Branch underscore the importance of this bill. In testimony to the Judiciary Committee, Director of Governmental Affairs Julie Finn said:

“There's no question that this will be a huge project, and it will be difficult, but I believe the leadership, the Chief Justice and others at the Judicial Branch, at bottom line feels like it's the right thing to do for the people of Maine.” (January 13, 2026)

Whether or not Maine finally fixes this structural problem with our justice system may be decided within the four walls of this room. We hope you will give it thorough consideration when the time arrives. Each year of delay leaves in place a structure that does not serve us well, and which Maine voters have already directed the Legislature to modernize. Thank you.

Civil Legal Aid Resources Available to Low-Income Mainers (2026)

Legal Aid Resources

(If you wish to discuss these programs, you may contact the Directors listed below)

Contact Information

Disability Rights Maine

Maine's designated Protection & Advocacy agency for people with disabilities. Free legal representation to individuals whose rights have been violated or who have been discriminated against based on their disability.

Kim Moody, Exec. Director: (207) 626-2774
kim@drme.org

Augusta
 800-452-1948
advocate@drme.org

Falmouth
 800-639-3884
deafservices@drme.org
<https://drme.org/>

Family Law & Domestic Violence

Tenant Issues

Real Property / Housing & Foreclosure

Children & Youth Issues

Health Care

Immigration & Citizenship

Benefits Programs (TANF, SNAP, etc.)

Indigenous People & Farmworkers

Employment

Consumer Law including Bankruptcy

Elder Issues

Other Civil Legal Issues



Pine Tree Legal Assistance, Inc.

Free legal services to low-income Mainers. Applicants are screened on case specific eligibility factors, including income, as determined by funding sources.

Tom Fritzsche, Exec. Director: (207) 400-3213
tfritzsche@ptla.org

Find legal help:
www.ptla.org/find-legal-help

Please also visit: www.statesidelegal.org (veteran/military website) and www.kidslegal.org

www.ptla.org
www.kidslegal.org

Augusta: (207) 622-4731
 Bangor: (207) 942-8241
 Lewiston: (207) 784-1558
 Portland: (207) 774-8211
 Machias: (207) 255-8656
 Presque Isle: (207) 764-4349

Phone intake hours:
 Mon 12 – 2:30
 Tues & Thurs 9 – 11:30

More info can be found online.

Priority given to cases involving domestic violence or sexual assault

only farmworker cases or federal tax/EITC issues



Legal Services for Maine Elders

Free legal services available to socially and/or economically needy Mainers 60 years of age or older when their basic human needs are at stake and Medicare problems or questions answered for all ages.

Jaye Martin, Exec. Director: (207) 621-0087
jmartin@mainelse.org

Statewide Helpline: 800-750-5353

Medicare Part D Appeals Unit
 (877) 774-7772

www.mainelse.org

domestic violence



Legal Aid Resources

(If you wish to discuss these programs, you may contact the Directors listed below)

Contact Information

Univ. of Maine School of Law - Clinics at Maine Law

Free legal representation to low-income individuals. Clients are represented by law students who are specially licensed by the courts to practice under faculty supervision.

Courtney Beer, Director
courtney.beer@maine.edu

(207) 780-4766

(207) 780-4370
 (877) 780-2522

<https://mainelaw.maine.edu/public-service/clac>

<https://mainelaw.maine.edu/academics/clinics-and-centers/>

Maine Equal Justice

Free legal representation to individuals below 200% of the federal poverty guidelines. MEJ also represents those in economic need in class action lawsuits, in front of governmental agencies and through advocacy at the administrative and legislative levels.

Robyn Merrill, Exec. Director
rmerrill@mejp.org

(207) 626-7058
 (866) 626-7059

www.mejp.org

Volunteer Lawyers Project

Free legal services to low-income Mainers (incomes at or below 200% of the federal poverty guidelines) through coordination of pro bono services of Maine lawyers, including limited representation clinic programs and full representation in civil legal matters.

www.vlp.org
contact@vlp.org

Mon pm & Fri am
 (Southern ME) (207) 544-4886
 (Northern ME) (207) 573-1171

Immigrant Legal Advocacy Project

Free legal information, advice, and representation on immigration law matters for low-income Maine residents (incomes at or below 200% of the federal poverty guidelines). ILAP advances justice and equity for immigrants and their families through direct legal services, community education, and systemic advocacy.

Sue Roche, Exec. Director: (207) 699-4403
SRoche@ilapmaine.org

Portland & Lewiston Offices:
 (207) 780-1593

www.ilapmaine.org

Intake appointments:
<https://ilapmaine.org/get-legal-help>

	Family Law & Domestic Violence	Tenant Issues	Real Property / Housing & Foreclosure	Children & Youth Issues	Health Care	Immigration & Citizenship	Benefits Programs (TANF, SNAP, etc.)	Indigenous People & Farmworkers	Employment	Consumer Law including Bankruptcy	Elder Issues	Other Civil Legal Issues
Univ. of Maine School of Law - Clinics at Maine Law	✓	✓	✓	✓		✓	✓				✓	✓
Maine Equal Justice		✓	✓		✓		✓		✓	✓	✓	
Volunteer Lawyers Project	✓	✓	✓				✓		✓	✓	✓	✓
Immigrant Legal Advocacy Project	✓			✓		✓	✓					✓

gaining legal status for non-citizen domestic violence victims

Gaining legal status for abused/neglected non-citizen youth

immigrant eligibility issues

prove legal status for drivers license

immigrant cases

systematic only on housing

if PTLA has conflict

eligibility for public benefit programs

higher education & training, unemployment insurance

systemic only on consumer issues

prescription drug programs

SSDI appeals

BRIDGING THE JUSTICE GAP IN MAINE

Prevent a 28% Reduction in Legal Services

Sustain Civil Legal Aid Funding in FY 2026–27

If \$3M is not sustained in Year 2 of the Biennium:

- › At least 5000 fewer Mainers will receive legal help next year.
- › Every county will see reduced service capacity—with the greatest impact in rural areas.
- › Frontline legal aid positions will be lost, shrinking helpline hours and representation.
- › More unrepresented litigants in court will strain dockets and delay proceedings.
- › Critical community partnerships—with shelters, hospitals, senior agencies, and re-entry programs—will weaken due to decreased capacity.

Civil legal aid helps Mainers:

- › Stay housed and prevent evictions or foreclosures
- › Access health care and income supports when benefits are denied or cut off
- › Escape abuse, exploitation, and unsafe living situations
- › Protect the educational rights of children with disabilities
- › Respond to crises and community emergencies by providing trusted legal guidance and connections to critical resources when Mainers need help most
- › Achieve and maintain economic stability for families, older people, and people with disabilities

The Request

Include \$3 million in the supplemental FY 2026-27 budget (in addition to the baseline \$1.3 million) to sustain Maine's statewide civil legal aid network through the second year of the biennium.

A \$3M investment—less than one-tenth of one percent of the state budget—maintains the service level already authorized in Year 1.

Bottom Line: Sustaining Maine's legal aid network is a critical investment in the safety net that keeps Maine families economically stable, preventing legal crises from pushing Mainers into deeper economic hardship.

Funding Context:

- › FY 2025–26 included a **one-time \$3M appropriation**
- › Baseline funding remains **\$1.3M annually**
- › Without action, FY 2026–27 funding drops by **\$3M**

System-Level Consequences:

- › **Courts:** More unrepresented litigants and slower case processing
- › **Health & Housing:** Increased emergency and homelessness costs
- › **Community Partners:** Shelters, hospitals, senior agencies, and re-entry programs lose legal support capacity



BRIDGING THE JUSTICE GAP IN MAINE

The Moment We're In

Federal policy changes and program cuts taking effect over the next two years will strip health care, food, housing, and income support from thousands of low-income Mainers. Civil legal aid will be the only safety net left for many who lose support through red tape or restrictive eligibility changes.

Federal Change	Mainers Impacted	Why Legal Aid Matters
More red tape and bureaucracy in Medicaid	~86,000 subject to requirements; 31,000 may lose coverage	Legal aid will educate Mainers on new rules and challenge wrongful terminations.
Medicaid restrictions for older adults (60–64) and Mainers with disabilities	25,000–35,000 at risk; 90,000 dually eligible seniors disrupted	Attorneys prevent wrongful cut-offs, medical debt, and evictions tied to loss of care.
Medicaid eligibility cuts for immigrants (2026)	~3,000 people lose full coverage	Legal aid ensures refugees, asylees, and survivors understand rights and can access health care when they are eligible.
SNAP benefit reductions & expanded work requirements	Tens of thousands, especially older adults and parents	Legal aid advocates for continued access, appeals wrongful denials, and connects clients to local supports
Immigration policy and fee increases	~56,000 immigrants in Maine	Without government-funded counsel, legal aid is essential to fair hearings and due-process protections.

Broader Ripple Effects

- › **Hospitals and clinics** will see rising uncompensated-care costs—Medicaid expansion spending currently channels **\$329 million** to Maine hospitals.
- › **Housing stability will erode** as health and income supports disappear.
- › **Local food pantries and nonprofits** will be strained as SNAP and CSBG funding drop.
- › **Older Mainers and people with disabilities** will lose in-home services, driving up institutional-care costs.
- › **Students, particularly students with disabilities**, will increasingly be kept out of school and denied their right to a free and appropriate public education.

Why Civil Legal Aid Is Essential

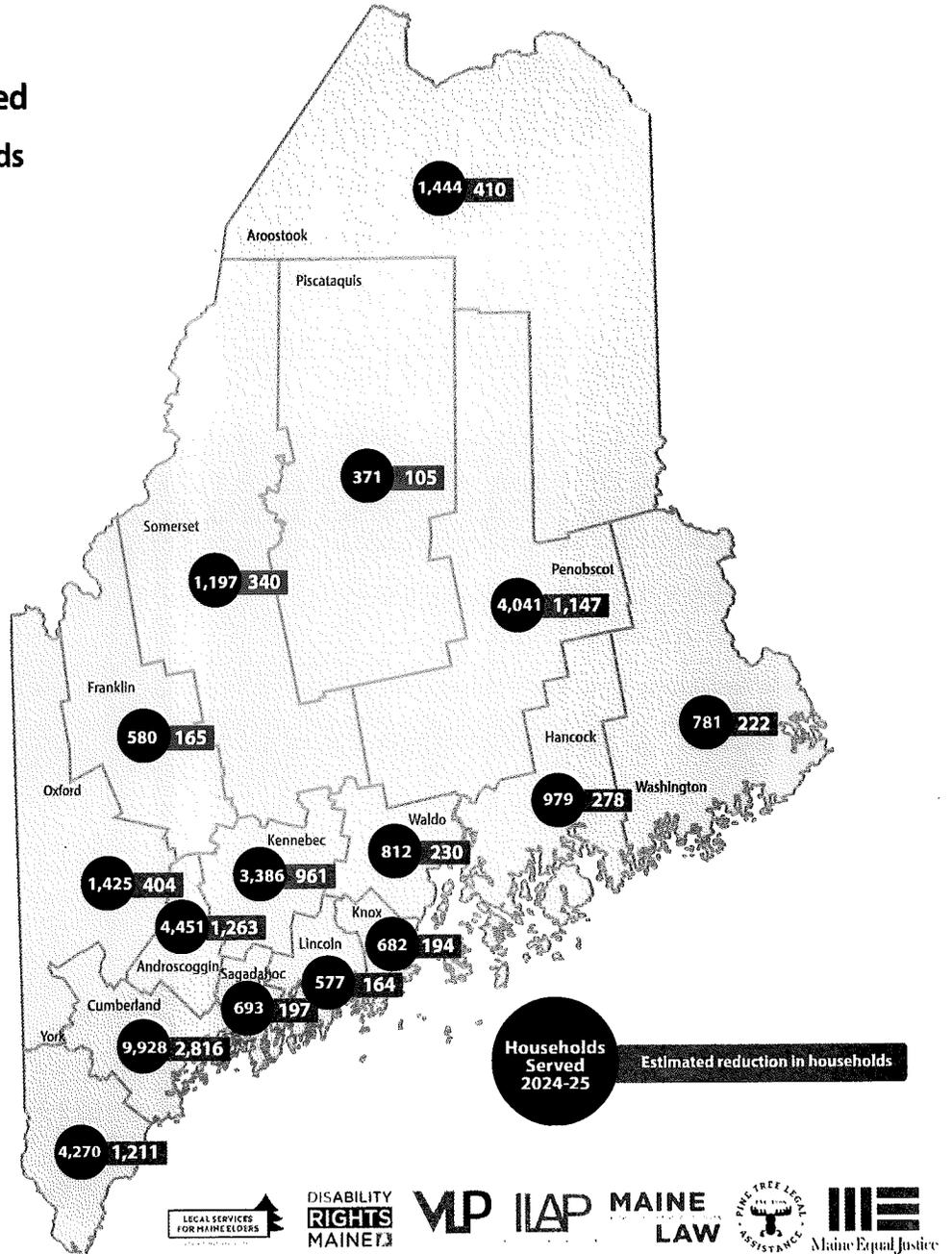
- › Protects people from wrongful terminations of benefits and healthcare coverage.
- › Prevents homelessness and utility shutoffs tied to federal cuts.
- › Provides outreach and education so Mainers know their rights.
- › Stabilizes families and communities when safety-net programs fail.

Estimated County-Level Reductions

Statewide Impact if Funding Is Not Sustained

- 10,104 fewer households served over two years
- 28% reduction in statewide service capacity

Estimated reduction in households served by county if \$3M in one-time funding is not sustained. Reductions are proportional to current service volume based on households served in 2024–2025.



Produced by the Justice Action Group Legislative Committee - February 2026

Maine’s legal aid providers: Clinics at Maine Law, Disability Rights Maine, Immigrant Legal Advocacy Project, Legal Services for Maine Elders, Maine Equal Justice, Maine Volunteer Lawyers Project, and Pine Tree Legal Assistance