

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Title)
New Draft of: S. P. 521, L. D. 1451
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1649

S. P. 634

In Senate, May 21, 1981

Reported by the Majority of the Committee on Judiciary and Printed under
Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Provide for a Commission to Propose a Method of Providing Volunteer
Legal Services.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a statewide crisis is developing with regard to the availability of pro bono or reduced fee legal services to Maine's low-income citizens; and

Whereas, it is vitally necessary that the Legislature immediately take action which will provide for a thorough and comprehensive review of existing and potential systems for delivery of pro bono or reduced fee legal services to Maine's low-income citizens; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Commission; duties. A special commission shall be appointed to supervise the preparation of proposed legislation to insure the availability of pro

bono or reduced fee legal services to Maine's low-income citizens. The proposal may include any recommendations necessary to accomplish the establishment of an equitable system for the delivery of pro bono or reduced fee legal services to those who need them. The proposal shall be submitted to the Second Regular Session of the 110th Legislature or at an earlier time the commission deems appropriate. The commission shall employ a chief counsel and, subject to the counsel's recommendations, any additional counsel required to perform the necessary research and drafting of the proposal. The commission shall hold any public hearings necessary to gather factual data from interested persons and to acquaint interested persons with its proposals and recommendations.

Sec. 2. Membership. The members of the commission shall be appointed by the Governor as follows:

1. A sitting or retired Supreme Judicial Court Justice to act as chairman;
2. A member of the Senate, nominated by the President of the Senate;
3. A member of the House of Representatives, nominated by the Speaker of the House;
4. A member of the Maine Bar Association, nominated by the Maine Bar Association;
5. A member of the Maine Trial Lawyers Association, nominated by its board;
6. A member of the Board of Governors of the Board of Bar Overseers;
7. Two members of the public, one a consumer of legal services; and
8. A lawyer nominated by the Board of Pine Tree Legal Services, Inc.

Members of the commission shall serve until the completion of the commission's work. Any vacancy on the commission shall be filled in the manner provided for the original appointment of the member.

Sec. 3. Meetings. The members of the commission shall be appointed promptly upon the effective date of this Act and the Governor shall notify all members of the time and place of the first meeting of the commission. At that time, the commission shall organize, elect a vice-chairman and secretary-treasurer and adopt rules for administration of the commission and its work. The commission shall meet as often as necessary until its work is completed. A quorum shall consist of 5 members and a decision by voting shall be by a majority vote of the members present. The commission shall keep minutes of its meetings and any financial records required by the State Auditor. The members of the commission shall serve without compensation, but they may be reimbursed for their reasonable expenses incurred in attending meetings, procuring supplies, securing clerical services or other related or necessary expenses.

Sec. 4. Chief counsel. The chief counsel shall have responsibility for legal research and drafting required in preparing proposed legislation and recommendations and supervision of the commission.

Sec. 5. Clerical assistance. The commission may employ clerical assistance when needed to carry out its duties.

Sec. 6. Financing of the commission. The Maine Bar Association is authorized to expend an amount not to exceed \$10,000 for the financing of the commission. The funds shall be paid to the Department of Finance and Administration which shall disburse these funds to the commission upon receipt of an appropriate voucher signed by the chairman of the commission. Any funds not used by the commission shall be returned to the Maine Bar Association.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when the funds described in section 6 are paid to the Department of Finance and Administration.

STATEMENT OF FACT

The purpose of this new draft is to create a commission to study and suggest appropriate legislation for the provision of free or reduced fee legal services to Maine's low-income citizens. The commission will be funded by the Maine Bar Association.