# MAINE STATE LEGISLATURE

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### FIRST REGULAR SESSION

## ONE HUNDRED AND THIRTEENTH LEGISLATURE

# Legislative Document

NO. 968

H.P. 717 House of Representatives, March 26, 1987
Reference to the Committee on Appropriations and
Financial Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative NADEAU of Lewiston.
Cosponsored by Senator PERKINS of Hancock.

### STATE OF MAINE

# IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

1 2	AN ACT Relating to Cou	ert Appointed Atto	rneys.			
3 4	Be it enacted by the Peop follows:	ole of the State o	f Maine as			
5 <b>6</b> 7	Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.					
8		1987-88	1988-89			
9	JUDICIAL DEPARTMENT					
10	All Other	\$4,915,000	\$5,402,000			

These funds will be used for legal fees, 1 2 3 medical services, inspection and in-vestigation, witness fees, expert witness 5 6 7 fees, transcripts, 8 subpoena fees and 9 other related ex-10 penses, as well as data collection.

12 STATEMENT OF FACT

13 The State is obligated by the United States Con-14 stitution to furnish counsel to persons accused of crimes who are unable to pay for their own defense. 15 A recent study indicates that the rate of compensa-16 17 tion being paid to defense counsel is approximately 18 \$20 per hour, a rate insufficient to pay even the cost of overhead carried by most lawyers. This rate 19 20 of compensation has not been increased during the 21 past several years.

The number of Superior Court cases involving assigned counsel increased 69% between 1980 and 1986.
Many laws enacted during the past several years have added to the caseload, notably the Child and Family Services and Child Protection Act, of the Maine Revised Statutes, Title 22, section 4005, as enacted by Public Law 1979, chapter 733, section 18.

In many rural areas, there is an inadequate number of attorneys to handle the caseload. For example, in Franklin County the ratio between trial lawyers is 1:1594; in Washington County, 1:1399; in
Oxford County, 1:1360; and in Piscataquis County,
1:1469, while in Cumberland County the ratio is only
1:260.

In Piscataquis County there are only 12 attorneys availiable to meet the county's legal needs. Disregarding those who are prosecutors and those who do no trial work, the scope of the burden on the remaining few is obvious. As a result, the State is

	1 2 3	precariously depe available attor cases.			s of the few epting those	
	4 5 6 7 8 9 10 11 12 13	This appropriation makes it possible for the court to revise its fee schedule to provide compensation in the range of \$40 per hour within appropriate guidelines to be drafted by the court. Such a rate of compensation is necessary in order to ensure the continued availability of legal services to meet the State's constitutional obligations and vital programs. The State cannot reasonably expect the private bar to carry the burden of an expanding caseload indefinitely, being paid at rates less than their office overhead.				
	15 16 17 18 19 20	This appropri and \$36,750 during a person to enter and quality of a puter data base. essential to effe sight of programs	ng 1989 to pa data relati assigned coun Readily av ective legisl	y for the co ng to availa sel services ailable inf ative and ju	bility, cost into a com- ormation is dicial over-	
	22 23 24 25 26 27	The following table is a summary of projected expenditures, assuming an annual 10% increase in costs for fiscal years 1986 to 1989. These projections assume that the average District Court case requires 6 hours and the average Superior Court case requires 19 hours at an average rate of \$40 per hour.				
	28		JUDICIAL DEP	ARTMENT		
	29 30	1986 and Projecte Fiscal	d 1988 and 1 Year 1987 N	989 Indigent ot Available	Defense Costs	
	31 32		FISCAL YEAR 1986	FISCAL YEAR 1988	FISCAL YEAR 1989	
	33	Superior Court	\$1,005,564	\$2,457,840	\$2,703,624	
	34	District Court	918,984	1,947,792	2,142,571	
	35	Law Court	38,146	76,292	83,921	
	36 37	Subtotal	\$1,962,694	\$4,481,924	\$4,930,116	

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Other Indigent
1
2
     Defense
3
        Costs, Medi-
4
        cal, Ex-
        perts, etc.
                          328,489
                                      361,338
                                                   397,472
5
6
     Data Collection
7
                                       35,000
                                                    36,750
     Costs
        TOTAL
                       $2,291,183 $4,878,262
                                               $5,364,338
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