

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1021

S.P. 300

In Senate, February 28, 2019

**An Act To Require the Maine Commission on Indigent Legal
Services To Pay Court-appointed Attorneys for Certain Probate
Court Cases**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Senators: BLACK of Franklin, CARPENTER of Aroostook, HAMPER of
Oxford, KEIM of Oxford, Representatives: HANINGTON of Lincoln, HEAD of Bethel,
PICKETT of Dixfield.

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

2 **Sec. 1. 4 MRSA §1801**, as enacted by PL 2009, c. 419, §2, is amended to read:

3 **§1801. Maine Commission on Indigent Legal Services; established**

4 The Maine Commission on Indigent Legal Services, established by Title 5, section
5 12004-G, subsection 25-A, is an independent commission whose purpose is to provide
6 efficient, high-quality representation to indigent criminal defendants, juvenile defendants,
7 minors and indigent adults subject to conservatorship or guardianship under the Uniform
8 Guardianship and Protective Proceedings Act and children and parents in child protective
9 cases, consistent with federal and state constitutional and statutory obligations. The
10 commission shall work to ensure the delivery of indigent legal services by qualified and
11 competent counsel in a manner that is fair and consistent throughout the State and to
12 ensure adequate funding of a statewide system of indigent legal services, which must be
13 provided and managed in a fiscally responsible manner, free from undue political
14 interference and conflicts of interest.

15 **Sec. 2. 4 MRSA §1802, sub-§4, ¶B**, as enacted by PL 2009, c. 419, §2, is
16 amended to read:

17 B. An indigent party in a civil case in which the United States Constitution or the
18 Constitution of Maine or federal or state law requires that the State provide
19 representation; ~~and~~

20 **Sec. 3. 4 MRSA §1802, sub-§4, ¶¶B-1 and B-2** are enacted to read:

21 B-1. An indigent adult for whom legal representation was appointed under the
22 Uniform Guardianship and Protective Proceedings Act;

23 B-2. A minor for whom legal representation was appointed under the Uniform
24 Guardianship and Protective Proceedings Act; and

25 **Sec. 4. 4 MRSA §1804, sub-§3, ¶D**, as enacted by PL 2009, c. 419, §2, is
26 amended to read:

27 D. Develop criminal defense, guardianship and protective proceedings, child
28 protective and involuntary commitment representation training and evaluation
29 programs for attorneys throughout the State to ensure an adequate pool of qualified
30 attorneys;

31 **Sec. 5. 18-C MRSA §5-128** is enacted to read:

32 **§5-128. Attorney's fees for indigent adults and minors**

33 If an attorney is appointed by the court to represent an adult subject to
34 conservatorship, an adult subject to guardianship, a minor subject to conservatorship or a
35 minor subject to guardianship under this Article and, if an adult, the person is indigent,
36 the attorney's fees must be paid by the Maine Commission on Indigent Legal Services
37 pursuant to Title 4, chapter 37.

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SUMMARY

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This bill provides that when a probate court appoints an attorney for a party in a

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guardianship or protective proceeding, if the party is indigent or a minor, the attorney's

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fees must be paid by the Maine Commission on Indigent Legal Services.