

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1796

S.P. 698

In Senate, April 24, 2025

**An Act to Implement the Recommendations of the Maine
Commission on Public Defense Services to Clarify the Types of
Cases for Which the Commission Is Responsible for Providing
Counsel**

Reported by Senator CARNEY of Cumberland for the Joint Standing Committee on
Judiciary pursuant to the Maine Revised Statutes, Title 4, section 1804, subsection 3, paragraph
H.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

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

Sec. 1. 4 MRSA §1802, sub-§4, ¶B, as amended by PL 2019, c. 427, §1, is further amended to read:

B. An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law, except Title 15, section 3506-A, subsection 1 or any provision of Title 18-C, requires that the State provide representation;

Sec. 2. 4 MRSA §1802, sub-§4, as amended by PL 2021, c. 676, Pt. A, §3, is further amended by amending the first blocked paragraph to read:

"Indigent legal services" does not include the services of a guardian ad litem appointed pursuant to any provision of Title 18-C or pursuant to Title 22, section 4005, subsection 1.

SUMMARY

This bill is reported out by the Joint Standing Committee on Judiciary to implement recommendations of the Maine Commission on Public Defense Services. The committee has not taken a position on the substance of this bill. By reporting this bill out, the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting the bill out for the sole purpose of having a bill printed that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the proposals contained in the bill.

The bill clarifies that the court, not the commission, is responsible for providing counsel to a juvenile who files a petition for emancipation or for any party entitled to counsel at public expense in a proceeding under the Maine Uniform Probate Code. It also clarifies that the court, not the commission, is responsible for providing the services of a guardian ad litem appointed at public expense in a proceeding under the Maine Uniform Probate Code.