

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1801

S.P. 700

In Senate, April 29, 2025

An Act to Make Technical Changes to the Laws Governing the Maine Commission on Public Defense Services

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

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

2 **Sec. 1. 4 MRSA §1802, sub-§3-A**, as enacted by PL 2023, c. 638, §2, is amended
3 to read:

4 **3-A. Employed counsel.** "Employed counsel" means an attorney employed by the
5 commission to provide legal services directly to persons who are eligible to receive indigent
6 legal services in civil proceedings.

7 **Sec. 2. 4 MRSA §1802, sub-§4**, as amended by PL 2021, c. 676, Pt. A, §3, is further
8 amended to read:

9 **4. Indigent legal services.** "Indigent legal services" means ~~legal representation~~
10 ~~provided to:~~

11 A. ~~An~~ Legal representation provided to an indigent defendant in a criminal case in
12 which the United States Constitution or the Constitution of Maine or federal or state
13 law requires that the State provide representation;

14 B. ~~An~~ Legal representation provided to an indigent party in a civil case in which the
15 United States Constitution or the Constitution of Maine or federal or state law requires
16 that the State provide representation;

17 C. ~~Juvenile~~ Legal representation provided to juvenile defendants; ~~and~~

18 D. ~~An~~ Legal representation provided to an indigent defendant or party or a juvenile
19 for the purpose of filing, on behalf of that indigent defendant or party or juvenile, a
20 petition for certiorari to the Supreme Court of the United States from an adverse
21 decision of the Law Court on a case for which services were previously provided to
22 that defendant or party or juvenile pursuant to paragraph A, B or C; and

23 E. Services performed by an attorney at the direction of the commission that aid the
24 commission in fulfilling the commission's purpose under section 1801.

25 "Indigent legal services" does not include the services of a guardian ad litem appointed
26 pursuant to Title 22, section 4005, subsection 1.

27 **Sec. 3. 4 MRSA §1802, sub-§5**, as enacted by PL 2023, c. 638, §3, is amended to
28 read:

29 **5. Public defender.** "Public defender" means an attorney employed by the
30 commission to provide legal services directly to persons who are eligible to receive indigent
31 legal services in criminal and juvenile proceedings.

32 **Sec. 4. 4 MRSA §1804, sub-§3, ¶A**, as amended by PL 2023, c. 638, §7, is further
33 amended to read:

34 A. Develop and maintain a system that employs employed counsel and public
35 defenders, uses appointed private attorneys and contracts with individual attorneys or
36 groups of attorneys to provide high-quality, effective and efficient indigent legal
37 services. The commission shall consider other programs necessary to provide high-
38 quality, effective and efficient indigent legal services;

39 **Sec. 5. 4 MRSA §1806, sub-§2, ¶G** is enacted to read:

G. Materials, including but not limited to handouts, recordings and other documents, produced, obtained or otherwise acquired by the commission in connection with providing or preparing to provide training and evaluation programs for attorneys who are or may seek to become assigned counsel, employed counsel, public defenders or contract counsel. Notwithstanding any provision of law to the contrary, the commission may disseminate materials governed by this paragraph to the extent necessary to comply with its duties under this chapter without waiving the confidentiality of the materials.

Sec. 6. 22 MRSA §4007, sub-§1-A, ¶E, as enacted by PL 2023, c. 638, §26, is amended to read:

E. The court shall, on request, disclose records that are ~~confidential under this subsection~~ required to be maintained as confidential under this chapter to the Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purpose of assigning, evaluating or supervising counsel.

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; instead, 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 amends the definition of "indigent legal services" to include services that an attorney performs at the direction of the commission and makes technical amendments to the definitions of "employed counsel" and "public defender." It also provides that training materials prepared or obtained by the commission in connection with providing or preparing to provide training and evaluation programs for attorneys who are or may seek to become assigned counsel, employed counsel, public defenders or contract counsel are confidential, even if those materials are disseminated, for example at a commission-offered training, in the furtherance of the commission's duties. Finally, the bill provides that a court must, on request, disclose otherwise confidential records associated with child protection actions to the commission for purposes of assigning, evaluating or supervising counsel.