

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1802

S.P. 701

In Senate, April 29, 2025

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**An Act to Implement the Recommendations of the Maine  
Commission on Public Defense Services to Clarify When an Indigent  
Criminal Defendant Is Entitled to Counsel at State Expense**

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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. 15 MRSA §810, sub-§3, ¶A**, as enacted by PL 2023, c. 485, §1, is amended to read:

A. There is a risk upon conviction that the accused may be sentenced to a term of imprisonment; For purposes of this paragraph, there is a risk upon conviction that the accused may be sentenced to a term of imprisonment if:

(1) The prosecutor informs the court that the prosecutor will, if the accused is convicted, request that the accused be sentenced to a term of imprisonment;

(2) The accused is in custody at the time of the initial appearance or arraignment;

(3) The accused is held in custody as a result of the criminal proceeding for more than a total of 24 hours; or

(4) A court has found a risk upon conviction that the accused may be sentenced to a term of imprisonment in any other currently pending criminal matter in which the accused is a defendant;

## 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 clarifies when an indigent criminal defendant is entitled to counsel at state expense because there is a risk upon conviction that the accused may be sentenced to a term of imprisonment.