

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2194

S.P. 895

In Senate, February 3, 2026

An Act to Clarify Responsibility for Compensation of Court-appointed Attorneys in Certain Proceedings

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 black ink that reads "DAREK M. GRANT".

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-§4**, as amended by PL 2025, c. 511, §1, is further
3 amended to read:

4 **4. Indigent legal services.** "Indigent legal services" means:

5 A. Legal representation provided to an indigent defendant in a criminal case in which
6 the United States Constitution or the Constitution of Maine or federal or state law
7 requires that the State provide representation;

8 B. Legal representation provided to an indigent party in a civil case in which the United
9 States Constitution or the Constitution of Maine or federal or state law, except any
10 provision of Title 18-C, requires that the State provide representation;

11 C. Legal representation provided by an attorney appointed by a court to represent a
12 juvenile defendants defendant or a juvenile who petitions for emancipation pursuant to
13 Title 15, section 3506-A;

14 C-1. Legal representation provided by an attorney appointed by a court:

15 (1) Pursuant to Title 25, section 2244, subsection 2, paragraph B to represent an
16 indigent party who is a respondent in an extreme risk protection order proceeding;

17 (2) Pursuant to Title 34-B, section 3862-A, subsection 6, paragraph A to represent
18 an indigent party who is a restricted person in an extreme risk protection order
19 proceeding; and

20 (3) Pursuant to Title 34-B, section 3864, subsection 5, paragraph D to represent a
21 person who is the subject of an involuntary commitment proceeding or involuntary
22 treatment proceeding.

23 D. Legal representation provided to an indigent defendant or party ~~or~~, a juvenile or a
24 nonparty witness for the purpose of filing, on behalf of that indigent defendant or party
25 ~~or~~, juvenile or nonparty witness, a petition for certiorari to the Supreme Court of the
26 United States from an adverse decision of the Law Court on a case for which services
27 were previously provided to that defendant or party ~~or~~, juvenile or nonparty witness
28 pursuant to paragraph A, B ~~or~~, C, C-1 or E; and

29 E. Services performed by an attorney at the direction of the commission that aid the
30 commission in fulfilling the commission's purpose under section 1801, including legal
31 representation provided to a nonparty witness in a criminal proceeding or a civil
32 proceeding when the United States Constitution requires that the State provide
33 representation to that nonparty witness.

34 "Indigent legal services" includes the services of an attorney appointed pursuant to Title
35 22, section 4005, subsection 1, paragraph F but does not include the services of a guardian
36 ad litem appointed pursuant to any provision of Title 18-C or pursuant to Title 19-A, section
37 1658, subsection 2-A or Title 22, section 4005, subsection 1.

38 **Sec. 2. 22 MRSA §4005, sub-§1, ¶F**, as amended by PL 1995, c. 405, §20, is
39 further amended to read:

40 F. The guardian ad litem or the child may request the court to appoint legal counsel
41 for the child. The District Court shall pay reasonable costs and expenses of the child's

1 legal counsel. If legal counsel is appointed for the child under this paragraph, the child
2 must be considered indigent and the appointment must be at public expense.

3 **Sec. 3. 22 MRSA §4036, sub-§1-A, ¶F**, as amended by PL 2013, c. 294, §1, is
4 further amended to read:

5 F. When a provisional order awarding parental rights and responsibilities is entered
6 under paragraph D-1, subparagraph (2), the court may terminate the appointments of
7 the guardian ad litem and attorneys for parents and guardians. When the child
8 protection action is dismissed under paragraph D-1, subparagraph (1) or (2), the court
9 shall terminate the appointments of the guardian ad litem and attorneys for parents and
10 guardians. After the appointments are terminated, the attorneys and guardian ad litem
11 have no further responsibilities to their clients or the court. The Maine Commission
12 on Public Defense Services shall, in accordance with rules and procedures adopted by
13 the commission under Title 4, chapter 37, compensate attorneys appointed or assigned
14 to provide indigent legal services to the parent or guardian in the child protection action
15 for legal representation provided under this subsection.

16 SUMMARY

17 This bill is reported out by the Joint Standing Committee on Judiciary pursuant to the
18 Maine Revised Statutes, Title 4, section 1804, subsection 3, paragraph H to implement a
19 recommendation in the annual report of the Maine Commission on Public Defense
20 Services. The joint standing committee has not taken a position on the substance of this
21 bill. By reporting this bill out, the joint standing committee is not suggesting and does not
22 intend to suggest that it agrees or disagrees with any aspect of this bill; instead, the joint
23 standing committee is reporting the bill out for the sole purpose of having a bill printed that
24 can be referred to a joint standing committee for an appropriate public hearing and
25 subsequent processing in the normal course. The joint standing committee is taking this
26 action to ensure clarity and transparency in the legislative review of the proposals contained
27 in the bill.

28 Under current law, the commission evaluates the qualifications of, trains, supervises
29 and compensates attorneys appointed by state courts to represent indigent individuals who
30 have a constitutional or statutory right to counsel at state expense. The bill clarifies that the
31 commission also has the authority to evaluate the qualifications of, train, supervise and
32 compensate attorneys that a state court may appoint in the following circumstances:

- 33 1. To represent a juvenile who petitions for emancipation and requests appointment of
34 counsel;
- 35 2. To represent a child who is the subject of a child protection proceeding;
- 36 3. To represent an indigent person who is the subject of an extreme risk protection
37 order proceeding under either the so-called yellow flag law or so-called red flag law;
- 38 4. To represent a person who is the subject of an application for involuntary
39 commitment or involuntary treatment; and
- 40 5. To represent a nonparty witness in a criminal proceeding or a civil proceeding when
41 the United States Constitution requires that the State provide representation to that nonparty
42 witness.

1 The bill also requires the commission to compensate counsel appointed to represent an
2 indigent parent or guardian in a child protection proceeding for that counsel's services to
3 the parent or guardian related to the court's disposal of the child protection proceeding
4 through the entry of an order awarding parental rights and responsibilities.