

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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Legislative Document

No. 2195

S.P. 896

In Senate, February 3, 2026

### **An Act to Prohibit the Appointment or Assignment of a Private Attorney to Provide Indigent Legal Services Without That Attorney's Consent**

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Reported by Senator CARNEY of Cumberland for the Joint Standing Committee on Judiciary pursuant to Public Law 2025, chapter 40, section 4.

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 §1808 is enacted to read:**

### **§1808. Court appointment of private attorney**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Court" means the District Court, the Superior Court or the Supreme Judicial Court.

B. "Private attorney" means an attorney who is not a public defender, contract counsel or employed counsel.

**2. Appointment or assignment without consent prohibited.** A court may not appoint or assign a private attorney to represent a person who is eligible to receive indigent legal services unless the private attorney consents to the appointment or assignment and the commission determines that the private attorney is eligible for the appointment or assignment.

## SUMMARY

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to Public Law 2025, chapter 40, section 4. 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 prohibits a court from appointing or assigning a private attorney to represent a person who is eligible to receive indigent legal services unless the private attorney consents to the appointment or assignment and the Maine Commission on Public Defense Services determines that the attorney is eligible for the appointment or assignment.