

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

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**

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 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 §1808** is enacted to read:

3 **§1808. Court appointment of private attorney**

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

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

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

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

14 **SUMMARY**

15 This bill is reported out by the Joint Standing Committee on Judiciary pursuant to
16 Public Law 2025, chapter 40, section 4. The committee has not taken a position on the
17 substance of this bill. By reporting this bill out, the committee is not suggesting and does
18 not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee
19 is reporting the bill out for the sole purpose of having a bill printed that can be referred to
20 the committee for an appropriate public hearing and subsequent processing in the normal
21 course. The committee is taking this action to ensure clarity and transparency in the
22 legislative review of the proposals contained in the bill.

23 The bill prohibits a court from appointing or assigning a private attorney to represent a
24 person who is eligible to receive indigent legal services unless the private attorney consents
25 to the appointment or assignment and the Maine Commission on Public Defense Services
26 determines that the attorney is eligible for the appointment or assignment.