

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 189

H.P. 148 House of Representatives, February 3, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative FOSTER of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Concerning the Provision of Legal
2 Services by Eligible Law Students.
3

4 Emergency preamble. Whereas, Acts of the Legis-
5 lature do not become effective until 90 days after
6 adjournment unless enacted as emergencies; and

7 Whereas, this legislation provides that eligible
8 law students who are nonresidents attending an Ameri-
9 can Bar Association approved law school, which is
10 outside the State, may appear in court on behalf of
11 this State or its agencies or may provide legal ser-
12 vices for the indigent; and

13 Whereas, it is the purpose of this legislation to
14 permit these students to undertake this type of em-

1 ployment this summer and to gain needed legal experi-
2 ence which can benefit the people of the State; and

3 Whereas, unless enacted as an emergency, this
4 bill may not take effect until the summer is partial-
5 ly over, a situation which would deprive these stu-
6 dents of summer jobs this year and partially frus-
7 trate the purpose of this legislation; and

8 Whereas, in the judgment of the Legislature,
9 these facts create an emergency within the meaning of
10 the Constitution of Maine and require the following
11 legislation as immediately necessary for the preser-
12 vation of the public peace, health and safety; now,
13 therefore,

14 Be it enacted by the People of the State of Maine as
15 follows:

16 4 MRSA §807, last ¶, as amended by PL 1975, c.
17 636, is further amended to read:

18 Notwithstanding any of the other provisions of
19 this chapter and under such terms, conditions, limi-
20 tations, qualifications and supervision as the Su-
21 preme Judicial Court shall by rule require, a senior
22 law student in a law school in this State approved by
23 the American Bar Association or a senior law student
24 who is a Maine resident and who is enrolled in a law
25 school which is in another state and an eligible law
26 student who is enrolled in a law school which is ap-
27 proved by the American Bar Association, may appear in
28 the courts of the State on behalf of the State or an
29 agency thereof, or under the supervision of an orga-
30 nization providing legal services to the indigent ap-
31 proved by the Supreme Judicial Court on behalf of an
32 individual receiving services through such organiza-
33 tion.

34 Emergency clause. In view of the emergency cited
35 in the preamble, this Act shall take effect when ap-
36 proved.

1

STATEMENT OF FACT

2 Current law permits senior law students who are
3 Maine residents and who attend out-of-state American
4 Bar Association approved law schools and nonresident
5 senior law students who attend the University of
6 Maine law school to appear in court under supervision
7 as provided by rules promulgated by the Supreme Judi-
8 cial Court. Prohibiting nonresident senior law stu-
9 dents who attend out-of-state American Bar Associa-
10 tion approved law schools from benefiting from the
11 present rules is of doubtful constitutionality.

12 The purpose of this bill is to enable the Supreme
13 Judicial Court to provide by rule that eligible non-
14 resident law students attending out-of-state American
15 Bar Association approved law schools be allowed to
16 appear in court under appropriate supervision. This
17 bill would not only resolve any constitutional ques-
18 tions, but would also make available to public prose-
19 cutor and legal aid offices additional resources of
20 qualified eligible law students who would serve as
21 seasonal interns.

22

0008011787