

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 609

S.P. 189

In Senate, February 17, 2011

An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator BLISS of Cumberland.

Cosponsored by Senators: GERZOFKY of Cumberland, HASTINGS of Oxford,

Representative: DILL of Cape Elizabeth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §1806** is enacted to read:

3 **§1806. Information not public record**

4 Disclosure of information and records in the possession of the commission is
5 governed by this section.

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

8 A. "Individual client information" means name, date of birth, social security number,
9 gender, ethnicity, home address, home telephone number, home facsimile number,
10 home e-mail address, personal cellular telephone number, personal pager number and
11 any information protected under the attorney-client relationship.

12 B. "Personal contact information" means home address, home telephone number,
13 home facsimile number, home e-mail address, personal cellular telephone number,
14 personal pager number, date of birth and social security number.

15 C. "Request for funds for expert or investigative assistance" means a request
16 submitted to the commission by an indigent party or by an attorney on behalf of an
17 indigent client seeking authorization to expend funds for expert or investigative
18 assistance, which includes, but is not limited to, the assistance of a private
19 investigator, interpreter or translator, psychiatrist, psychologist or other mental health
20 expert, medical expert and scientific expert.

21 **2. Confidential information.** The following information and records in the
22 possession of the commission are not open to public inspection and do not constitute
23 public records as defined in Title 1, section 402, subsection 3.

24 A. Individual client information that is submitted by a commission-rostered attorney
25 or a court is confidential.

26 B. Information subject to the lawyer-client privilege set forth in the Maine Rules of
27 Evidence, Rule 502 or that constitutes a confidence or secret under the Maine Rules
28 of Professional Conduct, Rule 1.6 is confidential.

29 C. Personal contact information of a commission-rostered attorney is confidential.

30 D. Personal contact information of a member of the commission or a commission
31 staff member is confidential.

32 E. A request for funds for expert or investigative assistance that is submitted by an
33 indigent party or by an attorney on behalf of an indigent client is confidential. The
34 decision of the executive director of the commission hired pursuant to section 1804,
35 subsection 1, or the executive director's designee, to grant or deny such a request is
36 not confidential.

37 F. Any information obtained or gathered by the commission when performing an
38 evaluation of an attorney is confidential.

1 **SUMMARY**

2 This bill makes certain records in the possession of the Maine Commission on
3 Indigent Legal Services confidential. Specifically, the bill makes confidential:

4 1. Individual client information;

5 2. Information that is subject to the attorney-client privilege or that is defined as
6 confidential under the Maine Rules of Professional Conduct;

7 3. Personal contact information of commission-rostered attorneys, members of the
8 commission and commission staff;

9 4. Requests for funds for expert or investigative assistance; and

10 5. Information obtained or gathered by the commission when performing an
11 evaluation of an attorney.