

# MAINE STATE LEGISLATURE

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Date: 5/3/13

L.D. 396  
(Filing No. H- 123)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 271, L.D. 396, Bill, "An Act To Appropriate Sufficient Funds for Indigent Legal Services"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the rules of the Maine Commission on Indigent Legal Services concerning the rates to be paid to counsel are routine technical rules under the Maine Administrative Procedure Act; and

**Whereas,** the Legislature has determined that because sufficient appropriations are required to fund indigent legal services, it is appropriate that the rates be set through major substantive rulemaking so that the Legislature has an opportunity to oversee the rates before they are adjusted; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 4 MRSA §1804, sub-§4, ¶D,** as enacted by PL 2009, c. 419, §2, is amended to read:

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish standards under subsection 2, paragraph B and rates of compensation for assigned counsel and contract counsel under subsection 2, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A ~~and must be reviewed before final approval by the joint standing committee of the Legislature having jurisdiction over judiciary matters; and~~

**COMMITTEE AMENDMENT**

**Sec. 2. Report on financial screening.** The Maine Commission on Indigent Legal Services shall report to the Joint Standing Committee on Judiciary by December 1, 2013 on a plan to expand financial screening by contracting for screening services in addition to the current financial screeners employed by the commission.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

**Maine Commission on Indigent Legal Services Z112**

Initiative: Provides funds to increase reimbursement for indigent legal services from \$50 per hour to \$60 per hour beginning July 1, 2013 and to \$65 per hour beginning July 1, 2014.

<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$2,326,806	\$2,398,095
<b>GENERAL FUND TOTAL</b>	<u>\$2,326,806</u>	<u>\$2,398,095</u>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

**SUMMARY**

This amendment revises the rule-making authority of the Maine Commission on Indigent Legal Services to provide that rules concerning the rates of compensation for assigned counsel and contract counsel are major substantive rules. It also amends the existing language concerning major substantive rules to be consistent with the Maine Administrative Procedure Act.

This amendment adjusts the appropriation initiative to reflect an increase in the rate of reimbursement for indigent legal services to \$60 per hour beginning July 1, 2013 and \$65 per hour beginning July 1, 2014.

This amendment directs the Maine Commission on Indigent Legal Services to report to the Joint Standing Committee on Judiciary by December 1, 2013 on expanding financial screening by contracting for the screening services.

This amendment also adds an emergency preamble and an emergency clause.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 126th MAINE LEGISLATURE

LD 396

LR 1342(02)

## An Act To Appropriate Sufficient Funds for Indigent Legal Services

Fiscal Note for Bill as Amended by Committee Amendment

*A(H-123)*

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
<b>Net Cost (Savings)</b>				
General Fund	\$2,326,806	\$2,398,095	\$2,398,095	\$2,398,095
<b>Appropriations/Allocations</b>				
General Fund	\$2,326,806	\$2,398,095	\$2,398,095	\$2,398,095

#### Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$2,326,806 in fiscal year 2013-14 and \$2,398,095 in fiscal year 2014-15 for the Maine Commission on Indigent Legal Services to increase the reimbursement rate to \$60 per hour beginning July 1, 2013 and \$65 per hour beginning July 1, 2014. The Governor's proposed budget for 2014-2015 includes funding to increase the rate to \$55 per hour effective July 1, 2014. This estimate of fiscal impact may need to be revisited based on final legislative action on the budget.