

# MAINE STATE LEGISLATURE

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Date: 5/15/13

L.D. 852

(Filing No. H-176)

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JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 603, L.D. 852, Bill, "An Act To Amend Certain Provisions of Law Affecting the Judicial Branch"

Amend the bill by striking out all of sections 14 and 15 and inserting the following:

**Sec. 14. 15 MRSA §2115-A, sub-§8**, as amended by PL 1979, c. 663, §110, is further amended to read:

**8. Fees and costs.** The Law Court shall allow ~~reasonable~~ counsel fees and costs for the defense of appeals under this section, to be paid by the Maine Commission on Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

**Sec. 15. 15 MRSA §2115-A, sub-§9**, as enacted by PL 1987, c. 461, is amended to read:

**9. Appeals to Federal Court; fees and costs.** The Law Court shall allow ~~reasonable attorneys~~ attorney's fees for court appointed counsel when the State appeals a judgment to any Federal Court or to the United States Supreme Court on certiorari. Any fees allowed pursuant to this subsection ~~shall~~ must be paid out of the accounts of the ~~Judicial Department~~ Maine Commission on Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.'

SUMMARY

The bill requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services. This amendment provides that the compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

FISCAL NOTE REQUIRED

(See attached)

**COMMITTEE AMENDMENT**



# 126th MAINE LEGISLATURE

LD 852

LR 397(02)

## An Act To Amend Certain Provisions of Law Affecting the Judicial Branch

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-176)  
Committee: Judiciary  
Fiscal Note Required: Yes

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### Fiscal Note

No net fiscal impact

#### Fiscal Detail and Notes

Transferring the responsibility for payment of attorney fees in certain appeal cases will result in a minor cost increase to the Maine Commission on Indigent Legal Services and minor savings to the Judicial Department.