

MAINE STATE LEGISLATURE

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3711
ROE/S

L.D. 845

Date: 5/18/17 Majority

(Filing No. H-205)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 594, L.D. 845, Bill, "An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services"

Amend the bill in section 2 in paragraph D in the last line (page 1, line 13 in L.D.) by inserting after the following: "or C" the following: 'subject to the limitations in section 1804, subsection 3, paragraph L'

Amend the bill by adding after section 2 the following:

Sec. 3. 4 MRSA §1804, sub-§3, ¶J, as amended by PL 2013, c. 159, §12, is further amended to read:

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;
- (2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and
- (3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; and

Sec. 4. 4 MRSA §1804, sub-§3, ¶K, as enacted by PL 2013, c. 159, §13, is amended to read:

COMMITTEE AMENDMENT

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K. Pay appellate counsel; and

Sec. 5. 4 MRSA §1804, sub-§3, ¶L is enacted to read:

L. Develop a procedure for approving requests by counsel for authorization to file a petition as described in section 1802, subsection 4, paragraph D. Compensation for preparation and filing of the petition may not exceed \$1,500.

SUMMARY

The bill expands the definition of indigent legal services administered through the Maine Commission on Indigent Legal Services to include filing of a petition for certiorari to the United States Supreme Court. This amendment requires the commission to develop a procedure for approving requests by counsel for authorization to file a petition for certiorari. Compensation for the preparation and filing of the petition may not exceed \$1,500.

FISCAL NOTE REQUIRED
(See attached)



128th MAINE LEGISLATURE

LD 845

LR 582(02)

An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services

Fiscal Note for Bill as Amended by Committee Amendment *A(H-205)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Maine Commission on Indigent Legal Services is expected to be minor and can be absorbed utilizing existing budgeted resources.