

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 electronic originals
(may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1812

H.P. 1257

House of Representatives, January 30, 2018

**Resolve, Directing an Independent, Nonpartisan, Objective
Evaluation of the Provision of Indigent Legal Services**

(EMERGENCY)

Reported by Representative MOONEN of Portland for the Joint Standing Committee on
Judiciary pursuant to Public Law 2017, chapter 284, Pt. UUUU, section 17.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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

3 **Whereas,** the State of Maine has a constitutional obligation to provide indigent legal
4 services; and

5 **Whereas,** the diversity in population density and availability of attorneys across the
6 State can present challenges to providing consistent high-quality legal services to fulfill
7 that obligation; and

8 **Whereas,** many factors external to the operation of the Maine Commission on
9 Indigent Legal Services are driving up costs to both prosecution and defense; and

10 **Whereas,** the need to ensure the most efficient use of limited resources requires a
11 study of the existing system to be conducted by an independent, outside, nonpartisan
12 entity; and

13 **Whereas,** the Working Group to Improve the Provision of Indigent Legal Services
14 recommended that such a study be conducted as soon as possible; and

15 **Whereas,** authorization and funding for the study need to be provided as soon as
16 possible for the comprehensive study to be conducted in time for recommendations to be
17 considered by the First Regular Session of the 129th Legislature; and

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

22 **Sec. 1. Legislative Council to contract for independent, nonpartisan,**
23 **objective evaluation of obligation to provide indigent legal services.**

24 **Resolved:** That the Legislative Council, through the Executive Director of the
25 Legislative Council, shall contract with a qualified nonprofit organization that has, within
26 the 12 months prior to the effective date of this resolve, provided consulting and
27 evaluations regarding state indigent legal services systems to evaluate the existing system
28 in the State for providing legal representation as required by both the Constitution of
29 Maine and the United States Constitution and by the laws of the State and to provide
30 recommendations to improve the structure, services and other elements of the State's
31 indigent legal services system. The executive director shall arrange for the evaluation to
32 be completed and a report submitted to the joint standing committee of the 129th
33 Legislature having jurisdiction over judiciary matters no later than January 15, 2019; and
34 be it further

35 **Sec. 2. Joint standing committee authorized to report out legislation.**

36 **Resolved:** That the joint standing committee of the 129th Legislature having
37 jurisdiction over judiciary matters is authorized to submit legislation based on the report
38 and recommendations contained in the report submitted pursuant to section 1 to the First
39 Regular Session of the 129th Legislature; and be it further

