

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 574

H.P. 418

House of Representatives, February 5, 2019

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

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.

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

2 **Sec. 1. 4 MRSA §1802, sub-§4, ¶¶B and C**, as enacted by PL 2009, c. 419, §2,
3 are amended to read:

4 B. An indigent party in a civil case in which the United States Constitution or the
5 Constitution of Maine or federal or state law requires that the State provide
6 representation; ~~and~~

7 C. Juvenile defendants; and

8 **Sec. 2. 4 MRSA §1802, sub-§4, ¶D** is enacted to read:

9 D. An indigent defendant or party or a juvenile for the purpose of filing, on behalf of
10 that indigent defendant or party or juvenile, a petition for certiorari to the Supreme
11 Court of the United States from an adverse decision of the Law Court on a case for
12 which services were previously provided to that defendant or party or juvenile
13 pursuant to paragraph A, B or C subject to the limitations in section 1804, subsection
14 3, paragraph N.

15 **Sec. 3. 4 MRSA §1804, sub-§3, ¶¶L and M**, as enacted by PL 2017, c. 284, Pt.
16 UUUU, §7, are amended to read:

17 L. Establish processes and procedures to acquire investigative and expert services
18 that may be necessary for a case, including contracting for such services; ~~and~~

19 M. Establish procedures for handling complaints about the performance of counsel
20 providing indigent legal services; and

21 **Sec. 4. 4 MRSA §1804, sub-§3, ¶N** is enacted to read:

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

25 **SUMMARY**

26 This bill includes in the definition of "indigent legal services" the filing, on behalf of
27 an indigent party or defendant or a juvenile, of a petition for certiorari to the Supreme
28 Court of the United States from an adverse decision of the Law Court on a case for which
29 indigent legal services were provided. This bill also requires the Maine Commission on
30 Indigent Legal Services to develop a procedure for approving requests by counsel for
31 authorization to file a petition for certiorari. Compensation for the preparation and filing
32 of the petition may not exceed \$1,500.