MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 2018

H.P. 1300

House of Representatives, July 6, 2023

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services

(EMERGENCY)

Reported by Representative MOONEN of Portland for the Maine Commission on Indigent Legal Services pursuant to the Maine Revised Statutes, Title 5, section 8072 and approved for introduction by a majority of the Legislative Council.

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

ROBERT B. HUNT

R(+ 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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires 4 legislative authorization before major substantive agency rules may be finally adopted by 5 the agency; and 6 Whereas, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and 7 8 Whereas, immediate enactment of this resolve is necessary to record the Legislature's 9 position on final adoption of the rule; and 10 Whereas, in the judgment of the Legislature, these facts create an emergency within 11 the meaning of the Constitution of Maine and require the following legislation as 12 immediately necessary for the preservation of the public peace, health and safety; now, 13 therefore, be it 14 **Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned 15 Counsel, a provisionally adopted major substantive rule of the Maine Commission on 16 17 Indigent Legal Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule 18 19 acceptance period, is authorized. 20 **Emergency clause.** In view of the emergency cited in the preamble, this legislation 21 takes effect when approved. 22 **SUMMARY** 23 This resolve provides for legislative review of portions of Chapter 301: Fee Schedule 24 and Administrative Procedures for Payment of Court or Commission Assigned Counsel, a 25 major substantive rule of the Maine Commission on Indigent Legal Services that was filed 26 outside the legislative rule acceptance period.