

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2059

S.P. 852

In Senate, December 17, 2025

**An Act to Provide Required Funding for the Reimbursement of
Assigned Counsel and to Develop the Public Defender Office for
Cumberland County**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 15, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.
Cosponsored by Representative MOONEN of Portland and
Senators: BENNETT of Oxford, DUSON of Cumberland, Representative: SINCLAIR of Bath.

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's constitutional and statutory obligations include ensuring that
4 each person facing a potential loss of liberty in a criminal or juvenile proceeding and each
5 parent facing a potential loss of parental rights in a child protection proceeding is provided
6 with effective representation; and

7 **Whereas,** on January 3, 2025, in *Robbins v. Billings, et al.* No. CV-22-054 (Me.
8 Super. Ct., Ken. Cty., Jan. 3, 2025) (Combined Order on Partially Dispositive Motions),
9 the Maine Superior Court concluded that the State has violated its constitutional obligations
10 under the United States Constitution, Amendment VI to provide continuous representation
11 to certain criminal defendants in the State; and

12 **Whereas,** the State's primary method for fulfilling its constitutional and statutory
13 obligations is through the appointment of qualified attorneys to provide indigent legal
14 services to eligible persons and reimbursement of these attorneys by the Maine
15 Commission on Public Defense Services in accordance with the hourly rate established by
16 law and the restrictions on eligible expenses established by the commission by rule; and

17 **Whereas,** due to a shortfall in funding, the Maine Commission on Public Defense
18 Services is anticipated to exhaust available appropriations to reimburse assigned counsel
19 in April 2026; and

20 **Whereas,** this legislation establishes authority for the Maine Commission on Public
21 Defense Services to develop a public defender office in Cumberland County, an area of the
22 State identified by the commission as experiencing a significant lack of attorneys eligible
23 for appointment to fulfill the State's constitutional and statutory obligations; and

24 **Whereas,** it is important to develop this new public defender office as soon as
25 possible; and

26 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
27 the meaning of the Constitution of Maine and require the following legislation as
28 immediately necessary for the preservation of the public peace, health and safety; now,
29 therefore,

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

31 **Sec. 1. Appropriations and allocations.** The following appropriations and
32 allocations are made.

33 **PUBLIC DEFENSE SERVICES, MAINE COMMISSION ON**
34 **Maine Commission on Public Defense Services Z112**

35 Initiative: Effective April 1, 2026, establishes one District Defender position, one Assistant
36 District Defender I position, 4 Assistant District Defender II positions, 2 Paralegal
37 positions, one Field Investigator position, one Case Manager position and one Office
38 Specialist I position as well as All Other costs, including rent and parking, for a public
39 defender office serving Cumberland County.

40 GENERAL FUND	2025-26	2026-27
41 POSITIONS - LEGISLATIVE COUNT	11.000	11.000

1	Personal Services	\$329,976	\$1,425,698
2	All Other	\$153,286	\$218,850
3			
4	GENERAL FUND TOTAL	<u>\$483,262</u>	<u>\$1,644,548</u>
5	Maine Commission on Public Defense Services Z112		
6	Initiative: Provides one-time funding to address the shortfall in funding available to		
7	compensate constitutionally and statutorily required assigned counsel in fiscal years		
8	2025-26 and 2026-27.		
9	GENERAL FUND	2025-26	2026-27
10	All Other	\$13,000,000	\$9,000,000
11			
12	GENERAL FUND TOTAL	<u>\$13,000,000</u>	<u>\$9,000,000</u>
13			
14	PUBLIC DEFENSE SERVICES, MAINE		
15	COMMISSION ON		
16	DEPARTMENT TOTALS		
17		2025-26	2026-27
18	GENERAL FUND	\$13,483,262	\$10,644,548
19			
20	DEPARTMENT TOTAL - ALL FUNDS	<u>\$13,483,262</u>	<u>\$10,644,548</u>
21	Emergency clause. In view of the emergency cited in the preamble, this legislation		
22	takes effect when approved.		

23 **SUMMARY**

24 This bill provides one-time funding to the Maine Commission on Public Defense
25 Services to address the shortfall in funding available to compensate constitutionally and
26 statutorily required assigned counsel in fiscal years 2025-26 and 2026-27. It also funds the
27 establishment of a public defender office beginning April 1, 2026, designed to serve 30%
28 of the criminal defendants entitled to indigent legal services in Cumberland County.