

**Judiciary Committee Chairs' Proposed Amendment to LD 1101
For Work Session April 2, 2025**

LD 1101, An Act to Address the Limited Availability of Counsel in Courts to Represent Indigent Parties in Matters Affecting their Fundamental Rights (Sen. Carney)

Amend the emergency preamble as follows:

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

Whereas, this legislation is designed to address an existing crisis in the courts arising from the limited availability of counsel qualified by the Maine Commission on Public Defense Services to represent indigent parties in matters affecting their fundamental rights; and

~~**Whereas,** when a court appoints counsel to represent an indigent party, compensation must be made available to counsel, whether the commission or the court determined that counsel is qualified to provide the representation; and~~

Whereas, a Maine Superior Court order issued in Robbins v. Billings, et al., No. CV-22-054 (Me. Super. Ct., Ken. Cty., March 7, 2025) (Order After Phase One Trial) establishes a conditional remedy to address claims for habeas corpus relief for violations of the United States Constitution, Amendment VI and the Constitution of Maine, Article I, Section 6 right to continuous representation; and

Whereas, the resources necessary to implement the conditional remedy are currently under consideration by the Legislature and requested by the Maine Commission on Public Defense Services; and

Whereas, the conditional remedy poses a concern about the public's interest in the administration of criminal justice and the potential to jeopardize public safety if a criminal defendant commits a dangerous act after dismissal and release granted in response to a claim for habeas corpus relief; and

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

Amend the bill by striking out all of sections 1-3 (bill page 1, line 27 through page 3, line 1)

Amend the bill in section 4 as follows:

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC DEFENSE SERVICES, MAINE COMMISSION ON

Maine Commission on Public Defense Services Z112

~~Initiative: Provides ongoing funding to establish one Office Associate II position and related costs to coordinate and facilitate the assignment of counsel to indigent clients across the State who are currently on the list of unrepresented criminal defendants and parents in child custody cases, especially defendants who are currently incarcerated.~~

GENERAL FUND	2024-25	2025-26	2026-27
POSITIONS—LEGISLATIVE	1,000	1,000	1,000
COUNT			
Personal Services	\$14,754	\$88,525	\$95,533
All Other	\$1,723	\$10,343	\$10,343
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GENERAL FUND TOTAL	\$16,477	\$98,868	\$105,876

Maine Commission on Public Defense Services Z112

**Judiciary Committee Chairs' Proposed Amendment to LD 1101
For Work Session April 2, 2025**

Initiative: Provides ongoing funding to establish 5 ~~Assistant Defender I~~ ~~Public Service Manager III~~ positions, 2 Paralegal positions and one ~~Legal Administrator~~ ~~Office Specialist Supervisor II~~ position responsible for representing defendants whose motion for counsel has been granted or appointment was ordered by a court, but no counsel has been appointed; cases in which a defendant has requested counsel, but a court has not yet ruled on the motion; and cases in which a defendant previously had counsel, but that counsel withdrew and no new attorney has been assigned.

GENERAL FUND	2024-25	2025-26	2026-27
POSITIONS - LEGISLATIVE COUNT	8,000	8,000	8,000
Personal Services	\$169,883	\$1,019,300	\$1,031,170
All Other	\$6,000	\$40,660	\$40,660
GENERAL FUND TOTAL	\$175,883	\$1,059,960	\$1,071,830

GENERAL FUND	2024-25	2025-26	2026-27
POSITIONS - LEGISLATIVE COUNT	8,000	8,000	8,000
Personal Services	\$200,522	\$1,203,134	\$1,216,315
All Other	\$6,000	\$40,660	\$40,660
GENERAL FUND TOTAL	\$206,522	\$1,243,794	\$1,256,975

~~Maine Commission on Public Defense Services Z112~~

~~Initiative: Provides ongoing funding to compensate assigned counsel that the Legislature authorized the courts to appoint at the current billing rate for assigned legal counsel of \$150 per hour.~~

GENERAL FUND	2024-25	2025-26	2026-27
All Other	\$62,500	\$375,000	\$375,000
GENERAL FUND TOTAL	\$62,500	\$375,000	\$375,000

**PUBLIC DEFENSE SERVICES, MAINE COMMISSION ON
DEPARTMENT TOTALS**

	2024-25	2025-26	2026-27
GENERAL FUND	\$254,860	\$1,533,828	\$1,552,706
	\$206,522	\$1,243,794	\$1,256,975
DEPARTMENT TOTAL - ALL FUNDS	\$254,860	\$1,533,828	\$1,552,706
	\$206,522	\$1,243,794	\$1,256,975

SUMMARY

This amendment strikes the provisions of the bill requiring the Maine Commission on Public Defense Services to compensate an attorney appointed by the court to represent a person who is eligible to receive indigent legal services if the court finds that no public defender, assigned counsel, contract counsel or employed counsel is available to represent the person and providing funding for this purpose.

The amendment also strikes the appropriation in the bill that would establish an Office Associate II position to coordinate and facilitate the assignment of counsel to indigent clients across the State who are currently on the list of unrepresented criminal defendants in parents, especially defendants who are incarcerated. Instead, the amendment provides that the new Assistant Defender I positions established by the bill will be supported by a Legal Administrator, rather than an Office Specialist Supervisor II, who can provide both administrative support to the Assistant Defender I positions and coordinate and facilitate the assignment of counsel to indigent clients across the State who are currently on the list of unrepresented criminal defendants in parents, especially defendants who are incarcerated.