STATE OF MAINE
SUPREME JUDICIAL COURT

LEIGH INGALLS SAUFLEY
CHIEF JUSTICE

MAILING ADDRESS:
Cumberland County Courthouse
205 Newbury Street, Room 139
Portland, ME 04101-4125
Tel. (207) 822-4286
Fax (207) 822-4202

E-MAIL:
chiefjustice@courts.maine.gov

October 31, 2018

Re: Maine Commission on Indigent Legal Services

The Maine Supreme Judicial Court seeks letters of interest from attorneys and others who are willing to make the commitment of time and engagement to serve on the newly expanded Board of the Maine Commission on Indigent Legal Services.

Attached to this notice is P.L. 2018, ch. 430 (effective July 1, 2018) (to be codified at 4 M.R.S. §§ 1803(1), (2), and (4)), setting out the newly enacted composition of the Board. At least two positions on the Board must be persons who are not attorneys engaged in the active practice of law.

If you are interested in being considered for the MCILS Board, please send your resume and statement of interest to Amanda Martin, amanda.j.martin@courts.maine.gov, by noon, on November 16, 2018.

Sincerely,

Leigh I. Saufley
Chief Justice

LIS:ajm
Enc.

LAW WITHOUT GOVERNOR'S SIGNATURE

JULY 1, 2018

CHAPTER

430

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND EIGHTEEN

H.P. 1259 - L.D. 1817

An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services

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

Whereas, the Maine Commission on Indigent Legal Services consists of 5 members, although there are currently only 3 sitting commissioners; and

Whereas, the Working Group to Improve the Provision of Indigent Legal Services recommended that the membership be expanded in number and diversity; and

Whereas, new appointments to the commission should be made consistent with the recommendation to adjust the makeup of the commission, and the commission should be operating at full strength as soon as possible; 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,

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

Sec. 1. 4 MRSA §1803, sub-§1, as enacted by PL 2009, c. 419, §2, is repealed and the following enacted in its place:

1. Members; appointment; chair. The commission consists of 9 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Governor shall designate one member to serve as chair of the commission. The membership consists of the following:

A. One member from a list of qualified potential appointees, provided by the President of the Senate;

B. One member from a list of qualified potential appointees, provided by the Speaker of the House of Representatives;

C. Three members from a list of qualified potential appointees, provided by the Chief Justice of the Supreme Judicial Court;

D. One member with experience in administration and finance;

E. One member with experience providing representation in child protection proceedings;

F. One member from a list of qualified potential appointees who are attorneys engaged in the active practice of law and provide indigent legal services, provided by the president of the Maine State Bar Association. This member is a nonvoting member of the commission; and

G. One member from a list of qualified potential appointees who are attorneys engaged in the active practice of law and provide indigent legal services, provided by the president of a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. This member is a nonvoting member of the commission.

In determining the appointments and recommendations under this subsection, the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Judicial Court, the president of the Maine State Bar Association and the president of the statewide organization that represents criminal defense attorneys shall consider input from individuals and organizations with an interest in the delivery of indigent legal services. Recommendations provided by the president of the Maine State Bar Association and the president of the statewide organization representing criminal defense attorneys must consist of attorneys providing indigent legal services as a majority of their law practices.

Sec. 2. 4 MRSA §1803, sub-§§2 and 4, as enacted by PL 2009, c. 419, §2, are amended to read:

2. Qualifications. Individuals appointed to the commission must have demonstrated a commitment to quality representation for persons who are indigent and have the ~~skills and~~ knowledge required to ensure that quality of representation is provided in each area of law. No more than ~~3~~ 7 members may be attorneys engaged in the active practice of law. A person who is a sitting judge, prosecutor or law enforcement official, or an employee of such a person, may not be appointed to the commission. A voting member and the immediate family members living in the same household as the member may not receive compensation from the commission, other than that authorized in Title 5, section 12004-G, subsection 25-A, while the member is serving on the commission.

The limitations on members receiving compensation from the commission do not apply to any member serving on the commission as of April 1, 2018 for the duration of the member's term.

4. Quorum. ~~Three~~ A quorum is a majority of the current voting members of the commission ~~constitutes a quorum~~. A vacancy in the commission does not impair the power of the remaining members to exercise all the powers of the commission.

Sec. 3. Initial appointments. Notwithstanding the Maine Revised Statutes, Title 4, section 1803, subsection 3, when appointing the members to fill the 4 new seats on the Maine Commission on Indigent Legal Services pursuant to this Act, the Governor shall designate one member to serve an initial term of 3 years, 2 members to serve an initial term of 2 years and one member to serve an initial term of one year. Members serving on the commission on the effective date of this Act continue to serve until the expiration of their terms.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.