



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 602

S.P. 182

In Senate, February 17, 2011

**An Act To Clarify the Method of Appealing Decisions of the
Executive Director of the Maine Commission on Indigent Legal
Services**

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator BLISS of Cumberland.

Cosponsored by Senator: HASTINGS of Oxford, Representative: DILL of Cape Elizabeth.

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

2 **Sec. 1. 4 MRSA §1804, sub-§3, ¶J,** as enacted by PL 2009, c. 419, §2, is
3 repealed and the following enacted in its place:

4 J. Develop an administrative review and appeal process for attorneys who are
5 aggrieved by a decision of the executive director, or the executive director's designee,
6 determining:

7 (1) Whether an attorney meets the minimum eligibility requirements to receive
8 assignments or to receive assignments in specialized case types pursuant to any
9 commission rule setting forth eligibility requirements;

10 (2) Whether an attorney previously found eligible is no longer eligible to receive
11 assignments or to receive assignments in specialized case types pursuant to any
12 commission rule setting forth eligibility requirements; and

13 (3) Whether to grant or withhold a waiver of the eligibility requirements set forth
14 in any commission rule.

15 Appeals of decisions under subparagraphs (1) and (2) must be reviewed by a quorum
16 of the commission. A panel of 2 members of the commission is authorized to hear
17 and determine appeals of decisions under subparagraph (3). All other decisions of
18 the executive director, or the executive director's designee, constitute final agency
19 action.

20 **SUMMARY**

21 This bill amends current law relating to the Maine Commission on Indigent Legal
22 Services to state specifically which decisions of the executive director must be subject to
23 an appeal process for attorneys aggrieved by such decisions. The bill requires the
24 commission to develop an appeal process for the commission to review decisions of the
25 executive director, or the executive director's designee, regarding whether an attorney
26 meets the commission's minimum eligibility requirements to receive assignments to
27 represent indigent clients and whether an attorney meets the eligibility requirements for
28 assignments to specialized case types, whether an attorney previously found eligible for
29 such assignments is found to be no longer eligible and whether to grant or withhold a
30 waiver of such eligibility requirements.

31 The bill also provides that a quorum of the commission must review decisions on
32 whether the eligibility requirements are met, but that a panel of 2 members of the
33 commission is authorized to review decisions regarding waiver of those requirements.