



# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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Legislative Document

No. 2194

S.P. 895

In Senate, February 3, 2026

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### An Act to Clarify Responsibility for Compensation of Court-appointed Attorneys in Certain Proceedings

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Reported by Senator CARNEY of Cumberland for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 4, section 1804, subsection 3, paragraph H.

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

A handwritten signature in black ink that reads "DAREK M. GRANT".

DAREK M. GRANT  
Secretary of the Senate

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

2           **Sec. 1. 4 MRSA §1802, sub-§4**, as amended by PL 2025, c. 511, §1, is further  
3           amended to read:

4           **4. Indigent legal services.** "Indigent legal services" means:

5           A. Legal representation provided to an indigent defendant in a criminal case in which  
6           the United States Constitution or the Constitution of Maine or federal or state law  
7           requires that the State provide representation;

8           B. Legal representation provided to an indigent party in a civil case in which the United  
9           States Constitution or the Constitution of Maine or federal or state law, except any  
10          provision of Title 18-C, requires that the State provide representation;

11          C. Legal representation provided by an attorney appointed by a court to represent a  
12          juvenile defendants defendant or a juvenile who petitions for emancipation pursuant to  
13          Title 15, section 3506-A;

14          C-1. Legal representation provided by an attorney appointed by a court:

15           (1) Pursuant to Title 25, section 2244, subsection 2, paragraph B to represent an  
16           indigent party who is a respondent in an extreme risk protection order proceeding;

17           (2) Pursuant to Title 34-B, section 3862-A, subsection 6, paragraph A to represent  
18           an indigent party who is a restricted person in an extreme risk protection order  
19           proceeding; and

20           (3) Pursuant to Title 34-B, section 3864, subsection 5, paragraph D to represent a  
21           person who is the subject of an involuntary commitment proceeding or involuntary  
22           treatment proceeding.

23          D. Legal representation provided to an indigent defendant or party ~~or~~, a juvenile or a  
24          nonparty witness for the purpose of filing, on behalf of that indigent defendant or party  
25          ~~or~~, juvenile or nonparty witness, a petition for certiorari to the Supreme Court of the  
26          United States from an adverse decision of the Law Court on a case for which services  
27          were previously provided to that defendant or party ~~or~~, juvenile or nonparty witness  
28          pursuant to paragraph A, B ~~or~~, C, C-1 or E; and

29          E. Services performed by an attorney at the direction of the commission that aid the  
30          commission in fulfilling the commission's purpose under section 1801, including legal  
31          representation provided to a nonparty witness in a criminal proceeding or a civil  
32          proceeding when the United States Constitution requires that the State provide  
33          representation to that nonparty witness.

34          "Indigent legal services" includes the services of an attorney appointed pursuant to Title  
35          22, section 4005, subsection 1, paragraph F but does not include the services of a guardian  
36          ad litem appointed pursuant to any provision of Title 18-C or pursuant to Title 19-A, section  
37          1658, subsection 2-A or Title 22, section 4005, subsection 1.

38           **Sec. 2. 22 MRSA §4005, sub-§1, ¶F**, as amended by PL 1995, c. 405, §20, is  
39           further amended to read:

40           F. The guardian ad litem or the child may request the court to appoint legal counsel  
41           for the child. The District Court shall pay reasonable costs and expenses of the child's

1                   legal counsel. If legal counsel is appointed for the child under this paragraph, the child  
2                   must be considered indigent and the appointment must be at public expense.

3                   **Sec. 3. 22 MRSA §4036, sub-§1-A, ¶F**, as amended by PL 2013, c. 294, §1, is  
4                   further amended to read:

5                   F. When a provisional order awarding parental rights and responsibilities is entered  
6                   under paragraph D-1, subparagraph (2), the court may terminate the appointments of  
7                   the guardian ad litem and attorneys for parents and guardians. When the child  
8                   protection action is dismissed under paragraph D-1, subparagraph (1) or (2), the court  
9                   shall terminate the appointments of the guardian ad litem and attorneys for parents and  
10                   guardians. After the appointments are terminated, the attorneys and guardian ad litem  
11                   have no further responsibilities to their clients or the court. The Maine Commission  
12                   on Public Defense Services shall, in accordance with rules and procedures adopted by  
13                   the commission under Title 4, chapter 37, compensate attorneys appointed or assigned  
14                   to provide indigent legal services to the parent or guardian in the child protection action  
15                   for legal representation provided under this subsection.

## 16                   SUMMARY

17                   This bill is reported out by the Joint Standing Committee on Judiciary pursuant to the  
18                   Maine Revised Statutes, Title 4, section 1804, subsection 3, paragraph H to implement a  
19                   recommendation in the annual report of the Maine Commission on Public Defense  
20                   Services. The joint standing committee has not taken a position on the substance of this  
21                   bill. By reporting this bill out, the joint standing committee is not suggesting and does not  
22                   intend to suggest that it agrees or disagrees with any aspect of this bill; instead, the joint  
23                   standing committee is reporting the bill out for the sole purpose of having a bill printed that  
24                   can be referred to a joint standing committee for an appropriate public hearing and  
25                   subsequent processing in the normal course. The joint standing committee is taking this  
26                   action to ensure clarity and transparency in the legislative review of the proposals contained  
27                   in the bill.

28                   Under current law, the commission evaluates the qualifications of, trains, supervises  
29                   and compensates attorneys appointed by state courts to represent indigent individuals who  
30                   have a constitutional or statutory right to counsel at state expense. The bill clarifies that the  
31                   commission also has the authority to evaluate the qualifications of, train, supervise and  
32                   compensate attorneys that a state court may appoint in the following circumstances:

- 33                   1. To represent a juvenile who petitions for emancipation and requests appointment of  
34                   counsel;
- 35                   2. To represent a child who is the subject of a child protection proceeding;
- 36                   3. To represent an indigent person who is the subject of an extreme risk protection  
37                   order proceeding under either the so-called yellow flag law or so-called red flag law;
- 38                   4. To represent a person who is the subject of an application for involuntary  
39                   commitment or involuntary treatment; and
- 40                   5. To represent a nonparty witness in a criminal proceeding or a civil proceeding when  
41                   the United States Constitution requires that the State provide representation to that nonparty  
42                   witness.

1        The bill also requires the commission to compensate counsel appointed to represent an  
2        indigent parent or guardian in a child protection proceeding for that counsel's services to  
3        the parent or guardian related to the court's disposal of the child protection proceeding  
4        through the entry of an order awarding parental rights and responsibilities.