

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

H.P. 1257 - L.D. 1812

**Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the
Provision of 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 State of Maine has a constitutional obligation to provide indigent legal services; and

Whereas, the diversity in population density and availability of attorneys across the State can present challenges to providing consistent high-quality legal services to fulfill that obligation; and

Whereas, many factors external to the operation of the Maine Commission on Indigent Legal Services are driving up costs to both prosecution and defense; and

Whereas, the need to ensure the most efficient use of limited resources requires a study of the existing system to be conducted by an independent, outside, nonpartisan entity; and

Whereas, the Working Group to Improve the Provision of Indigent Legal Services recommended that such a study be conducted as soon as possible; and

Whereas, authorization and funding for the study need to be provided as soon as possible for the comprehensive study to be conducted in time for recommendations to be considered by the First Regular Session of the 129th Legislature; 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

Sec. 1. Legislative Council to contract for independent, nonpartisan, objective evaluation of obligation to provide indigent legal services.
Resolved: That the Legislative Council, through the Executive Director of the

Legislative Council, shall contract with a qualified nonprofit organization that has, within the 12 months prior to the effective date of this resolve, provided consulting and evaluations regarding state indigent legal services systems to evaluate the existing system in the State for providing legal representation as required by both the Constitution of Maine and the United States Constitution and by the laws of the State and to provide recommendations to improve the structure, services and other elements of the State's indigent legal services system. The executive director shall arrange for the evaluation to be completed and a report submitted to the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019; and be it further

Sec. 2. Joint standing committee authorized to report out legislation.

Resolved: That the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to submit legislation based on the report and recommendations contained in the report submitted pursuant to section 1 to the First Regular Session of the 129th Legislature; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON
Maine Commission on Indigent Legal Services Z112**

Initiative: Deappropriates funds on a one-time basis to offset the cost to provide funding for the purpose of entering into a contract with a nonprofit organization experienced in evaluating indigent legal services systems.

GENERAL FUND	2017-18	2018-19
All Other	(\$110,000)	\$0
GENERAL FUND TOTAL	<u>(\$110,000)</u>	<u>\$0</u>

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	(\$110,000)	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>(\$110,000)</u>	<u>\$0</u>

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds on a one-time basis to the Legislature to provide funding for the purpose of entering into a contract with a nonprofit organization experienced in evaluating indigent legal services systems.

GENERAL FUND	2017-18	2018-19
All Other	\$110,000	\$0
GENERAL FUND TOTAL	<u>\$110,000</u>	<u>\$0</u>

LEGISLATURE		
DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$110,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$110,000</u>	<u>\$0</u>

SECTION TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

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