

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

April 14, 2026

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

APRIL 14, 2026 MEETING AGENDA

- 1) Rulemaking Public Hearing / Chapter 301-B (renamed to Chapter 7-D)
- 2) Approval of the March 9, 2026 Commission Meeting Minutes
- 3) Executive session pursuant to 1 MRS § 405(6)(E) to discuss pending or contemplated litigation
- 4) Report of the Executive Director
 - a. Operations report
 - b. Staffing update
 - c. Title IV-E funds update
 - d. Employed caseload and evaluation standards
- 5) Update from District Defenders
- 6) Budget/Legislative update
- 7) Rulemaking discussion / Regulatory agenda and Chapter 6
- 8) Set Date, Time and Location of Next Regular Meeting of the Commission
- 9) Public Comment

~~Chapter 7-D301-B:~~ REQUIREMENTS FOR PAYMENT OF PARALEGAL AND SECRETARIAL SERVICES

Summary: This Chapter establishes a method for Counsel to seek payment for Paralegal and Secretarial Services ~~and Paralegal Services~~ on assigned cases.

SECTION 1. Definitions.

1. PDS or Commission. “PDS” or “Commission” means the ~~Commissioners of the~~ Maine Commission on Public Defense Services.
2. Executive Director. “Executive Director” means the Executive Director of PDS or the Executive Director’s decision-making designee.
3. Counsel. “Counsel” means a private attorney designated eligible by the Commission to be assigned to provide a particular service or to represent a particular client in a particular matter, and assigned by PDS or a court to provide that service or represent a client.
4. Paralegal. “Paralegal” means a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.
5. Paralegal Services. “Paralegal Services” means specifically delegated substantive legal work for which a lawyer is responsible.
6. Secretary. “Secretary” means a person who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity to provide Secretarial Services.
7. Secretarial Services. “Secretarial Services” means administrative staff support services other than Paralegal Services.
8. Payee. The person or entity that Counsel has designated to receive payment for services rendered by Counsel through submitting a Designation of Payee form to PDS.

SECTION 2. Hourly Rate of Payment.

Paralegal Services and Secretarial Services will be compensated at a rate of \$55 per hour subject to the limitations established by this Chapter and Chapter 301.

SECTION 3. Limitations.

1. **Compensable Tasks.** Counsel may be compensated for all Secretarial Services and Paralegal Services which would be compensable under Chapter 301, subject to the following limitations:
 - A. Counsel will only be compensated for tasks which may be delegated, consistent with the Maine Rules of Professional Conduct and Commission rules.
 - B. Secretarial Services and/or Paralegal Services must be attributable to a particular assigned client's case to be compensable. General office or file maintenance tasks are not compensable.
 - C. Counsel will only be compensated for a maximum of 20 hours of Secretarial Services and/or Paralegal Services, combined, per case, unless—upon application of Counsel on a form designated by the Executive Director—additional hours are authorized by the Executive Director—Counsel will not be compensated for travel time or travel-related expenses incurred by Paralegals or Secretaries unless Counsel obtains prior written authorization from the Executive Director.

SECTION 4. Administration.

1. **Billing Method.**
 - A. Counsel may only be compensated for Secretarial Services and Paralegal Services via vouchers submitted through the PDS electronic case management system. Invoices seeking such compensation which are submitted through any other means will not be paid. Any voucher submitted for payment may include both time for Secretarial Services and/or Paralegal Services and the legal services of Counsel. Counsel need not enter a separate voucher for Secretarial Services and/or Paralegal Services.
 - B. Time submitted for Paralegal Services or Secretarial Services performed by someone who is an employee of Counsel shall be submitted as a time entry by the Paralegal or Secretary under their own profile in the PDS electronic case management system.
 - C. Time submitted for Paralegal Services or Secretarial Services performed by someone who is a contractor of Counsel shall be submitted by Counsel as an

expense and attached to the relevant voucher in the PDS electronic case management system. Said expense must be accompanied by a receipt reflecting that Counsel paid that amount to the person who preformed the Paralegal Services and/or Secretarial Services.

2. **Timekeeping.** Paralegal Services and Secretarial Services must be recorded in increments of 0.10 hours. Each distinct task performed must be itemized and include the date the task was performed, the hours expended, the name of the person who performed the task, the type of task, and a description of the task that is sufficiently specific and detailed to enable one to understand the nature and extent of the services provided.
3. **Payment.** Payment for Paralegal Services or Secretarial Services shall be made to Counsel's Payee. No payment allowable under this Chapter shall be made directly to any Paralegal or Secretary.
4. **Timing.** Vouchers submitted greater than 90 days after the terminal case event shall be reduced in accordance with Chapter 301, Section 6.

SECTION 5. ~~Expiration.~~REPEALED.

~~Absent further rulemaking by the Commission, this Rule expires one year after its effective date.~~

STATUTORY AUTHORITY: 4 MRSA § 1804(2)(G)

APAO ACCESSIBILITY CHECK: August 12, 2025

EFFECTIVE DATE (NEW): August 17, 2025 – filing 2025-160

Maine Commission on Public Defense Services
Commission Meeting March 9, 2026

Commissioners Present: Donald Alexander, Randall Bates, Anne Jordan, Taylor Kilgore, Kelly O'Connor, David Soucy, and Joshua Tardy.

PDS Staff Present: Frayla Tarpinian (Executive Director), Ellie Maciag (Deputy Executive Director), and Logan Perkins (District Defender).

Agenda Item	Discussion / Outcome
Approval of Minutes	The minutes from the January 22, 2026, meeting were reviewed and approved unanimously following a motion by Commissioner Alexander, seconded by Chair Tardy.
Executive Session	Commissioner Jordan moved to go into executive session pursuant to 1 MRS § 4056(E) to discuss pending or contemplated litigation. Commissioner Alexander seconded. All voted in favor. No votes were taken during executive session.
Operations Report of the Executive Director	Operations Report: • Since there was no February Commission meeting due to a storm, this month's meeting packet contained info for February and March. • New cases for January and February decreased by 4.9% compared to the previous year, while total vouchers submitted and paid are up 19.5% year-to-date. The average price per voucher decreased by 9.9%, and total paid amount paid has increased 7.6%. February saw a decline attributed to software issues as there were no payments issued for about a week. Overall fiscal year paid hours are up 6.8%. • The pre-petition program is an early-intervention initiative managed by the Parents Counsel division of PDS, designed to provide legal advocacy at the earliest stages of child protection proceedings. By providing counsel to parents at the pre-petition or initial filing stage, the program aims to resolve issues early, as evidenced by the Portland dismissal, which can prevent long-term litigation and deeper involvement in the child welfare system. • Executive Director Tarpinian reported a really exciting first major success for the program at the Casco Bay (Portland) location. In this case, attorney Chelsea Peters successfully advocated for a client, resulting in a filed petition being dismissed at the initial hearing.
Staffing Report	Staffing Report • Troy Curfman joined the Capital Region, bringing that office to fully staffed status. • Active postings for high-need positions in Bangor and Aroostook. Both of those postings close on March 10, 2026.

Case Load Standards	Case Load Standards • Executive Director Tarpinian is researching standards to comply with § 1804(3)(G), which requires tracking and enforcing workload metrics for all counsel types. • Caseload standards are about preventing excessive caseloads and also making sure there are comparable hours across attorney types. Also, caseload standards ensure that all attorneys operate at full capacity rather than below or above. • Various tracking options: ○ There are a lot of various metrics that can be used. Some systems that are used include a point value based on case numbers, points or units that weigh specific case types, and points based on the number of clients an attorney has. ○ There is also a question as to the period in which the cases will be measured. Case numbers fluctuate on a daily/weekly basis. Therefore, should the caseload standards focus on a point in time as to how many points one attorney has or should it focus on a yearly maximum point system? ○ Some systems explicitly weight caseloads differently based on how long an attorney has been practicing, with the understanding that newer attorneys may handle fewer cases. ○ Director Tarpinian noted that there may be a “sweet spot” of attorneys operating at 85-90% as to allow for unanticipated cases or trials that may occur. • Ultimately, we need to decide how we would like to measure the work that is being done as well as what enforcement will look like. • Chair Tardy: Would like to know what other states are doing. ○ Executive Director Tarpinian: Will provide this information. • Commissioner Jordan: Would like links to any studies from other jurisdictions. Standards may need to account for court scheduling patterns. For example, a district like Washington County that lacks a judge or jury trials for several months will have skewed disposition numbers compared to more active districts. Any data on this would be helpful. • Commissioner Soucy: Noted attorneys are sophisticated professionals whose primary judgment is how to allocate their time; therefore, metrics should be a tool for management rather than a rigid tracking system. • Commissioner Kilgore: Noted that like criminal cases, parent defense cases require a nuanced approach as, quite often, the first four months of a case are more labor-intensive than cases that are nearing reunification or termination of parental rights. • Many states have assembled a paid group of stakeholders to tackle this issue over the course of a year.
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	• Executive Director Tarpinian will provide a summary of other states' systems (e.g., Texas, Washington, New Hampshire) and court scheduling patterns for the next meeting.
Defender Data 7 (DD7) Rollout	• Executive Director Tarpinian updated the Commissioners on the defenderData 7 rollout and next steps for this project. Chair Tardy thanked PDS for their leadership through this process and appreciated the communication with attorneys and the decisive action that was taken.
District Defender Report	• District Defender Perkins gave an update about the Highlands Region and some issues that office is seeing.
Budget & Legislative Update	• Scheduled to go in front of appropriations this week. Deputy Executive Director Maciag put together a five-year look back on all of the funds that have been appropriated. • LD 2059 requires a two-thirds majority to provide emergency funding. If it fails, the Commission will run out of funds and stop paying vouchers in April, with payments potentially delayed until mid-July. • Executive Director Tarpinian committed to providing assigned counsel with at least two weeks' notice before payments are halted. • Chair Tardy: Thanked Executive Director Tarpinian for her work on issue. • Commissioner Jordan: Is there anything that commissioners can to help support the efforts? • Executive Director Tarpinian: ○ Commissioners were encouraged to speak with legislators to emphasize that a payment gap damages the stability of the defense bar. ○ The County Commissioner's lobbyist has gone out of his way to help PDS with this bill. ○ Many attorneys have already reached out to legislators to explain the personal and professional impact of going unpaid for three months.
Rulemaking: Chapter 302	• This rule concerns expert and investigator payments for PDS attorneys. • Executive Director Frayla Tarpinian reported that the Commission received no public comments regarding the proposed changes to Chapter 302. • Commissioner O'Connor moved to adopt the proposed rule change and to adopt the detailed accompanying basis statement. Seconded by Chair Tardy. All voted in favor.
Rulemaking: Chapter 301-B	• This rule governs paralegal and secretarial services. • Under the current rule, assigned counsel is compensated for a maximum of 20 hours of secretarial or paralegal services per case • The proposed revision introduces a waiver process that allows attorneys to apply for additional hours.

	• To receive additional hours, counsel must submit an application using a form designated by the Executive Director. • This waiver is specifically intended for cases that are exceptionally long or complicated, requiring more intensive support staff involvement than a standard case. • The amendment also gets rid of the sunset provision of the rule which was set to occur this summer. • Commissioner Alexander moved to move the revisions to a public hearing. Chair Tardy seconded. All voted in favor.
Public Comment	Rob Ruffner: • Commended the PDS staff for the way it handled the DD7 rollout. • Warned that small firms like the Maine Defense Center (12 attorneys) cannot ethically accept new cases if they cannot pay staff through a three-month funding gap. • He asked for notice as soon as possible as to when payments from PDS will cease. • He noted that the attorney rotation in Aroostook County could dwindle from four attorneys down to one if funding is not secured. • This could have a lasting impact on the clients that we serve as well as the attorneys who do this work.
Next Meeting	April 14, 2026, at 3:00 PM in a hybrid format.

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

March 2026 Operations Report

- 2,486 new cases were opened in the defenderData system. This was a 622 case increase from February. Year to date, new cases are down by 4.9% from last year, from 21,920 at this time last year to 20,843 this year.
- The number of vouchers submitted electronically was 5,332, an increase of 1,335 vouchers from February, totaling \$5,316,461, an increase of \$1,294,871 from February. Year to date, the number of submitted vouchers is up by 20.2% from 33,546 at this time last year to 40,337 this year, with the total amount for submitted vouchers up 8.9%, from \$35,049,880 at this time last year to \$38,200,906 this year.
- We paid 5,868 electronic vouchers totaling \$6,000,465 representing an increase of 1,807 vouchers and an increase of \$2,198,940 compared to February. Year to date, the number of paid vouchers is up 21.1%, from 33,265 vouchers at this time last year to 40,311 this year, and the total amount paid is up 11%, from \$34,366,440 this time last year to \$38,158,295 this year.
- The average price per voucher was \$1,022.57, up \$86.46 per voucher from February. Year to date, the average price per voucher is down 8.3%, from \$1,033.11 at this time last year to \$946.60 this year.
- Child Protection and Drug Court had the highest average voucher total. There were 35 vouchers exceeding \$10,000 paid in March. See attached addendum for details.
- We issued 174 authorizations to expend funds: 72 Private investigators, 49 for experts, and 51 for miscellaneous services such as interpreters, transcriptionists, polygraph exams, and paralegals. None were denied.
- There was one attorney suspension.
- In the All Other Account, the total expenses were \$5,800,476. Approximately \$75,324 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$806,007 in expenses.
- In the Revenue Account, the Judicial Branch transferred \$24,383 in February for counsel fee payments. We paid \$198,849 for counsel fees.
- As of April 7, 2026, there are 176 rostered attorneys of which 112 are available for trial court level work.
- For the first 9 months of this fiscal year, paid hours are up 12.2% over the same 9-month period last year. March 2026 paid hours are 66.4% higher than March 2025 paid hours.

Paid Hours													
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Yearly Total
FY22	27215	20122	23699	19917	20289	14422	15689	21060	30339	19984	19176	21343	253,255
FY23	19654	22596	21511	21151	20771	19576	23786	18811	22669	19232	27112	22334	259,203
FY24	21550	25799	21317	25400	19983	16857	31200	25274	23804	28726	24288	22486	286,684
FY25	24574	24296	20907	29382	26430	28126	24409	24710	23162	27051	26447	26588	306,081
FY26	30347	26144	29265	26275	21122	29574	27069	25410	38542				253748

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

3/31/2026

DefenderData Case Type	Mar-26						Fiscal Year 2026			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	16	79	\$119,304.25	83	\$ 158,032.00	\$1,904.00	149	487	\$ 989,874.34	\$2,032.60
Central Office Resource Counsel	0	3	\$1,515.00	3	\$ 1,185.00	\$395.00	0	21	\$ 14,085.00	\$670.71
Child Protection Petition	148	813	\$1,089,200.99	852	\$ 1,121,263.22	\$1,316.04	1,262	6,015	\$ 7,338,018.51	\$1,219.95
Drug Court	6	27	\$59,260.20	26	\$ 64,255.20	\$2,471.35	50	162	\$ 355,120.32	\$2,192.10
Emancipation	8	7	\$7,473.84	9	\$ 7,834.44	\$870.49	46	78	\$ 51,640.90	\$662.06
Felony	691	1,757	\$2,175,853.52	1,933	\$ 2,537,538.57	\$1,312.75	5,382	13,130	\$ 14,580,944.41	\$1,110.51
Involuntary Civil Commitment	0	3	\$1,785.00	8	\$ 5,535.00	\$691.88	220	386	\$ 248,305.67	\$643.28
Juvenile	149	234	\$253,130.51	284	\$ 319,241.54	\$1,124.09	954	1,463	\$ 1,460,917.11	\$998.58
Lawyer of the Day - Custody	279	293	\$195,773.34	330	\$ 220,216.19	\$667.32	2,555	2,460	\$ 1,640,846.64	\$667.01
Lawyer of the Day - Juvenile	2	2	\$900.00	1	\$ 450.00	\$450.00	24	23	\$ 10,260.00	\$446.09
Lawyer of the Day - Walk-in	141	148	\$95,467.26	189	\$ 118,257.28	\$625.70	1,127	1,085	\$ 712,458.75	\$656.64
PDS Provided Training	4	13	\$2,790.00	21	\$ 3,120.00	\$148.57	533	539	\$ 678,655.11	\$1,259.10
Misdemeanor	885	1,631	\$1,096,814.09	1,783	\$ 1,174,866.49	\$658.93	7,008	11,534	\$ 7,800,570.37	\$676.31
Petition, Modified Release Treatment	2	2	\$1,385.04	2	\$ 3,217.28	\$1,608.64	8	33	\$ 36,677.82	\$1,111.45
Petition, Release or Discharge	0	0		0			0	5	\$ 24,795.21	\$4,959.04
Petition,Termination of Parental Rights	0	3	\$780.00	2	\$ 9,360.00	\$4,680.00	0	11	\$ 52,853.25	\$4,804.84
Post Conviction Review	11	22	\$17,385.18	29	\$ 47,048.65	\$1,622.37	34	265	\$ 376,010.96	\$1,418.91
Probate	2	1	\$315.00	1	\$ 315.00	\$315.00	6	22	\$ 19,135.94	\$869.82
Probation Violation	141	272	\$169,958.03	287	\$ 185,120.19	\$645.02	1,321	2,143	\$ 1,447,050.24	\$675.25
Represent Witness on 5th Amendment	0	2	\$2,280.00	2	\$ 2,754.52	\$1,377.26	15	12	\$ 8,526.06	\$710.51
Resource Counsel Criminal	1	5	\$2,220.00	5	\$ 1,950.00	\$390.00	5	43	\$ 31,939.78	\$742.79
Resource Counsel Juvenile	0	1	\$195.00	0			1	9	\$ 3,797.76	\$421.97
Resource Counsel Mental Health	0	0		0			0	2	\$ 285.00	\$142.50
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	2	\$1,515.00	4	\$ 2,940.00	\$735.00	0	15	\$ 15,330.00	\$1,022.00
Review of Child Protection Order	0	4	\$20,269.46	3	\$ 13,979.60	\$4,659.87	0	69	\$ 110,725.64	\$1,604.72
Revocation of Administrative Release	0	1	\$65.50	2	\$ 500.50	\$250.25	3	12	\$ 5,394.10	\$449.51
Weapons Restrictions Case	0	7	\$825.00	9	\$ 1,485.00	\$165.00	140	287	\$ 144,076.23	\$502.01
TOTAL	2,486	5,332	\$5,316,461.21	5,868	\$ 6,000,465.67	\$1,022.57	20,843	40,311	\$ 38,158,295.12	\$946.60

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

3/31/2026

Court	Mar-26						Fiscal Year 2026			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	2	3	\$3,615.00	3	\$ 2,730.00	\$910.00	22	13	\$14,085.00	\$1,083.46
AUBSC	2	4	\$5,760.00	5	\$ 5,775.00	\$1,155.00	12	40	\$32,651.43	\$816.29
AUGDC	39	84	\$125,277.09	89	\$ 121,835.23	\$1,368.94	195	446	\$856,757.34	\$1,920.98
AUGSC	3	2	\$1,385.04	3	\$ 4,030.00	\$1,343.33	12	40	\$59,511.01	\$1,487.78
BANDC	24	135	\$116,171.40	120	\$ 103,038.90	\$858.66	349	854	\$814,420.38	\$953.65
BANSC	0	1	\$865.50	1	\$ 865.50	\$865.50	9	19	\$74,965.45	\$3,945.55
BATSC	0	0		0			1	2	\$1,365.00	\$682.50
BELDC	10	22	\$32,109.75	28	\$ 46,088.67	\$1,646.02	85	264	\$396,244.39	\$1,500.93
BELSC	0	0		0			0	1	\$210.00	\$210.00
BIDDC	43	137	\$158,044.11	140	\$ 145,634.53	\$1,040.25	362	1,114	\$1,010,422.38	\$907.02
BRIDC	9	27	\$64,766.80	35	\$ 57,407.10	\$1,640.20	82	217	\$266,611.96	\$1,228.63
CALDC	4	15	\$10,642.50	14	\$ 10,342.50	\$738.75	30	82	\$59,083.45	\$720.53
CARDC	9	28	\$34,976.28	17	\$ 25,817.88	\$1,518.70	43	164	\$157,234.28	\$958.75
CARSC	1	1	\$3,525.00	1	\$ 3,525.00	\$3,525.00	3	8	\$7,995.00	\$999.38
DOVDC	2	9	\$12,442.88	9	\$ 12,442.88	\$1,382.54	26	96	\$97,196.92	\$1,012.47
DOVSC	0	0		0			1	3	\$2,075.70	\$691.90
ELLDC	17	65	\$61,321.64	65	\$ 63,693.00	\$979.89	83	437	\$386,179.48	\$883.71
ELLSC	0	0		0			0	1	\$322.50	\$322.50
FARDC	20	43	\$55,703.31	50	\$ 73,364.04	\$1,467.28	110	271	\$289,783.24	\$1,069.31
FARSC	0	0		0			4	3	\$2,452.65	\$817.55
FORDC	0	9	\$9,151.96	8	\$ 6,956.25	\$869.53	15	85	\$65,925.36	\$775.59
HOUDC	4	17	\$14,396.04	16	\$ 13,361.04	\$835.07	41	164	\$150,827.81	\$919.68
HOUSC	0	0		0			0	0		
LEWDC	46	148	\$190,779.37	198	\$ 244,335.80	\$1,234.02	459	1,246	\$1,510,701.06	\$1,212.44
LINDC	2	16	\$22,034.06	16	\$ 24,349.30	\$1,521.83	43	117	\$116,279.98	\$993.85
MACDC	5	8	\$9,592.58	9	\$ 11,392.58	\$1,265.84	16	71	\$63,980.66	\$901.14
MACSC	0	0		0			2	3	\$10,463.22	\$3,487.74
MADDC	0	0		2	\$ 10,282.70	\$5,141.35	0	7	\$34,468.37	\$4,924.05
MILDC	3	0		0			10	11	\$15,786.36	\$1,435.12
NEWDC	12	41	\$23,993.26	29	\$ 16,235.34	\$559.84	90	219	\$164,322.59	\$750.33
PORDC	31	130	\$157,978.42	159	\$ 173,380.75	\$1,090.44	336	1,237	\$1,142,159.17	\$923.33
PORSC	1	2	\$735.00	3	\$ 1,095.00	\$365.00	8	25	\$16,350.76	\$654.03
PREDC	11	22	\$35,257.66	18	\$ 20,182.66	\$1,121.26	53	172	\$164,775.45	\$958.00
ROCDC	5	22	\$34,521.70	23	\$ 44,440.20	\$1,932.18	68	186	\$256,464.46	\$1,378.84
ROCSC	3	2	\$3,790.00	2	\$ 3,790.00	\$1,895.00	4	5	\$8,714.02	\$1,742.80
RUMDC	14	43	\$64,060.85	50	\$ 76,729.17	\$1,534.58	60	265	\$316,011.46	\$1,192.50
SKODC	21	70	\$89,493.42	76	\$ 109,628.51	\$1,442.48	176	485	\$672,696.91	\$1,387.00
SKOSC	0	0		0			2	4	\$4,415.72	\$1,103.93
SOUDC	10	31	\$24,638.72	33	\$ 26,447.00	\$801.42	72	246	\$219,243.73	\$891.23
SOUSC	0	1	\$10,074.19	1	\$ 10,074.19	\$10,074.19	8	10	\$92,891.42	\$9,289.14
SPRDC	3	4	\$3,630.00	3	\$ 2,745.00	\$915.00	17	36	\$32,287.50	\$896.88
Law Ct	14	75	\$123,800.87	81	\$ 171,066.34	\$2,111.93	140	454	\$952,439.98	\$2,097.89
Training	4	19	\$6,000.00	28	\$ 6,795.00	\$242.68	530	577	\$714,460.61	\$1,238.23
YORCD	244	566	\$493,042.41	729	\$ 605,109.11	\$830.05	2,405	4,343	\$3,988,556.90	\$918.39
AROCD	150	216	\$170,423.91	248	\$ 179,388.23	\$723.34	1,119	1,973	\$1,519,250.00	\$770.02
ANDCD	196	461	\$339,885.24	467	\$ 361,825.55	\$774.79	1,480	3,859	\$2,694,045.18	\$698.12
KENCD	140	298	\$287,256.14	310	\$ 243,911.10	\$786.81	1,495	2,194	\$1,916,850.44	\$873.68
PENCD	248	476	\$419,353.92	456	\$ 426,063.60	\$934.35	1,811	3,359	\$2,941,671.84	\$875.76
SAGCD	48	93	\$57,015.68	100	\$ 64,584.78	\$645.85	367	667	\$580,927.02	\$870.96
WALCD	81	114	\$87,624.61	126	\$ 106,225.28	\$843.06	603	786	\$713,625.71	\$907.92
PISCD	16	26	\$18,859.76	19	\$ 11,741.52	\$617.97	171	204	\$238,366.70	\$1,168.46
HANCD	53	97	\$69,551.84	80	\$ 67,490.96	\$843.64	419	562	\$491,916.70	\$875.30
FRACD	54	65	\$57,822.98	56	\$ 48,210.85	\$860.91	325	488	\$450,839.99	\$923.85
WASCD	47	55	\$55,613.97	58	\$ 50,703.46	\$874.20	387	520	\$574,839.58	\$1,105.46
CUMCD	430	890	\$924,914.96	1,112	\$ 1,180,562.98	\$1,061.66	3,613	7,152	\$6,483,706.85	\$906.56
KNOCD	77	140	\$246,132.69	142	\$ 339,770.83	\$2,392.75	599	781	\$976,914.51	\$1,250.85
SOMCD	122	158	\$145,964.85	165	\$ 145,637.04	\$882.65	811	1,018	\$930,906.82	\$914.45
OXFCD	91	221	\$173,154.34	236	\$ 198,685.16	\$841.89	824	1,695	\$1,365,404.27	\$805.55
LINCD	47	96	\$140,883.71	89	\$ 177,250.17	\$1,991.57	414	597	\$588,904.46	\$986.44
WATDC	18	40	\$41,926.62	44	\$ 50,119.91	\$1,139.09	122	269	\$325,594.15	\$1,210.39
WESDC	19	34	\$47,502.34	41	\$ 62,351.50	\$1,520.77	146	309	\$302,050.77	\$977.51
WISDC	1	7	\$3,396.28	9	\$ 4,590.00	\$510.00	10	92	\$110,711.04	\$1,203.38
WISSC	0	0		0			2	2	\$3,331.80	\$1,665.90
YORDC	7	14	\$9,184.60	20	\$ 9,037.40	\$451.87	42	74	\$39,383.36	\$532.21
TOTAL	2,486	5,332	\$5,316,461.21	5,868	\$6,000,465.67	\$1,022.57	20,843	40,711	\$38,534,567.94	\$946.54

Vouchers over \$10,000 - March 2026

Comment	Voucher Total	Case Total
Homicide	\$73,335.00	\$73,335.00
Homicide	\$68,015.02	\$68,015.02
Homicide	\$60,128.08	\$60,128.08
Homicide	\$57,265.64	\$57,265.64
Gross Sexual Assault	\$40,749.76	\$40,749.76
Homicide	\$35,625.49	\$86,108.84
Homicide	\$32,235.00	\$32,235.00
Homicide	\$30,065.15	\$30,065.15
Homicide	\$28,485.00	\$118,238.00
Aggravated Trafficking	\$27,812.70	\$27,812.70
Violating Condition of Release	\$23,626.00	\$33,638.70
Homicide	\$21,198.52	\$51,278.62
Gross Sexual Assault	\$19,595.84	\$30,771.56
Appeal - Homicide	\$18,975.00	\$18,975.00
Child Protection	\$18,630.00	\$18,630.00
Domestic Violence Aggravated Assault	\$17,235.00	\$43,792.50
Elevated Aggravated Assault	\$16,709.50	\$16,709.50
Aggravated Attempted Murder	\$15,759.89	\$15,759.89
Homicide	\$15,315.00	\$43,110.00
Child Protection	\$14,385.23	\$28,410.70
Homicide	\$14,152.50	\$26,872.50
Aggravated Trafficking	\$13,664.34	\$13,664.34
Homicide	\$13,537.92	\$13,537.92
Stalking	\$12,990.00	\$12,990.00
Assault - JV	\$12,351.92	\$12,351.92
Attempt/Reckless Conduct - JV	\$11,415.00	\$11,415.00
Homicide	\$11,183.30	\$23,708.30
Child Protection	\$11,173.30	\$11,173.30
Homicide	\$10,753.45	\$27,688.42
Child Protection	\$10,283.58	\$10,283.58
Probation Violation	\$10,096.96	\$12,151.96
Domestic Violence Assault	\$10,074.19	\$10,074.19
Child Protection	\$10,060.70	\$10,060.70
Child Protection	\$10,005.00	\$21,840.00
Homicide	\$10,000.00	\$15,835.00

STATEMENT OF ALLOTMENTS/BUDGET
Maine Commission on Public Defense Services
FY26 As of 03/31/2026

Fund Account Name

GENERAL

010 MAINE COMMISSION

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
Object Class	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO
Budget/Allotment	2,338,782.00	15,234,914.00	2,654,103.00	12,433,665.00	4,558,688.00	15,365,485.00	685,206.00	12,547,189.00	10,236,779.00	55,581,253.00
Expenditures to date	(2,338,781.78)	(14,188,190.33)	(2,654,102.90)	(12,530,668.23)	(2,383,158.69)	(15,542,010.29)	-	-	(7,376,043.37)	(42,260,868.85)
Encumbrances		(1,046,722.31)		97,003.22		224,865.22		-		(724,853.87)
Total Available Allotment	0.22	1.36	0.10	(0.01)	2,175,529.31	48,339.93	685,206.00	12,547,189.00	2,860,735.63	12,595,530.28

OTHER SPECIAL REVENUE FUND

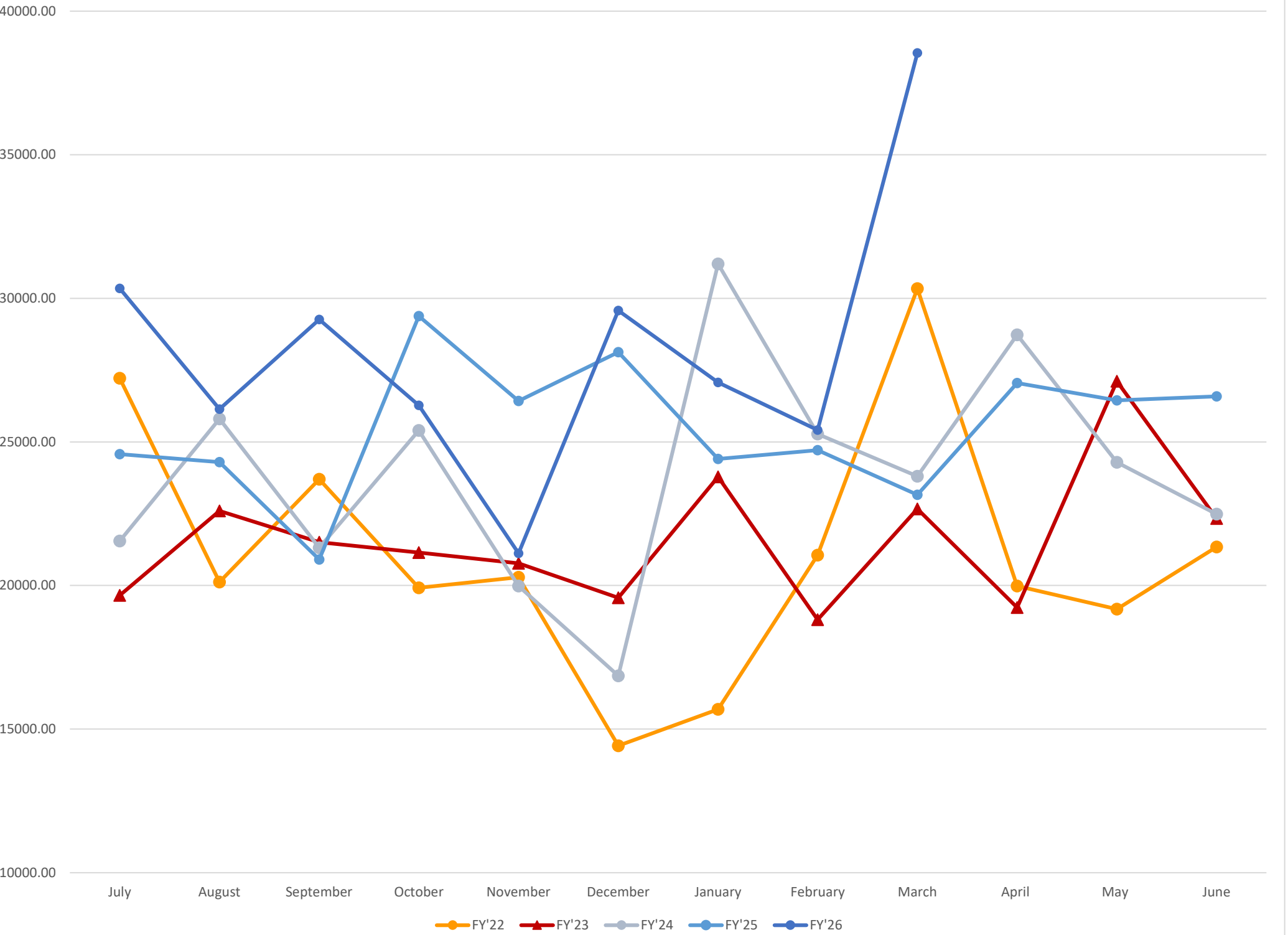
014 MAINE COMMISSION

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
Object Class	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO
Budget/Allotment	-	55,117.00	-	(47,394.00)	-	330,980.00	-	66,666.00	-	405,369.00
Expenditures to date	-	(40,089.74)	-	40,089.74	-	(199,537.96)	-	-	-	(199,537.96)
Encumbrances		(15,025.75)		7,304.94		-		-		(7,720.81)
Total Available Allotment	-	1.51	-	0.68	-	\$131,442.04	-	\$66,666.00	-	\$198,110.23

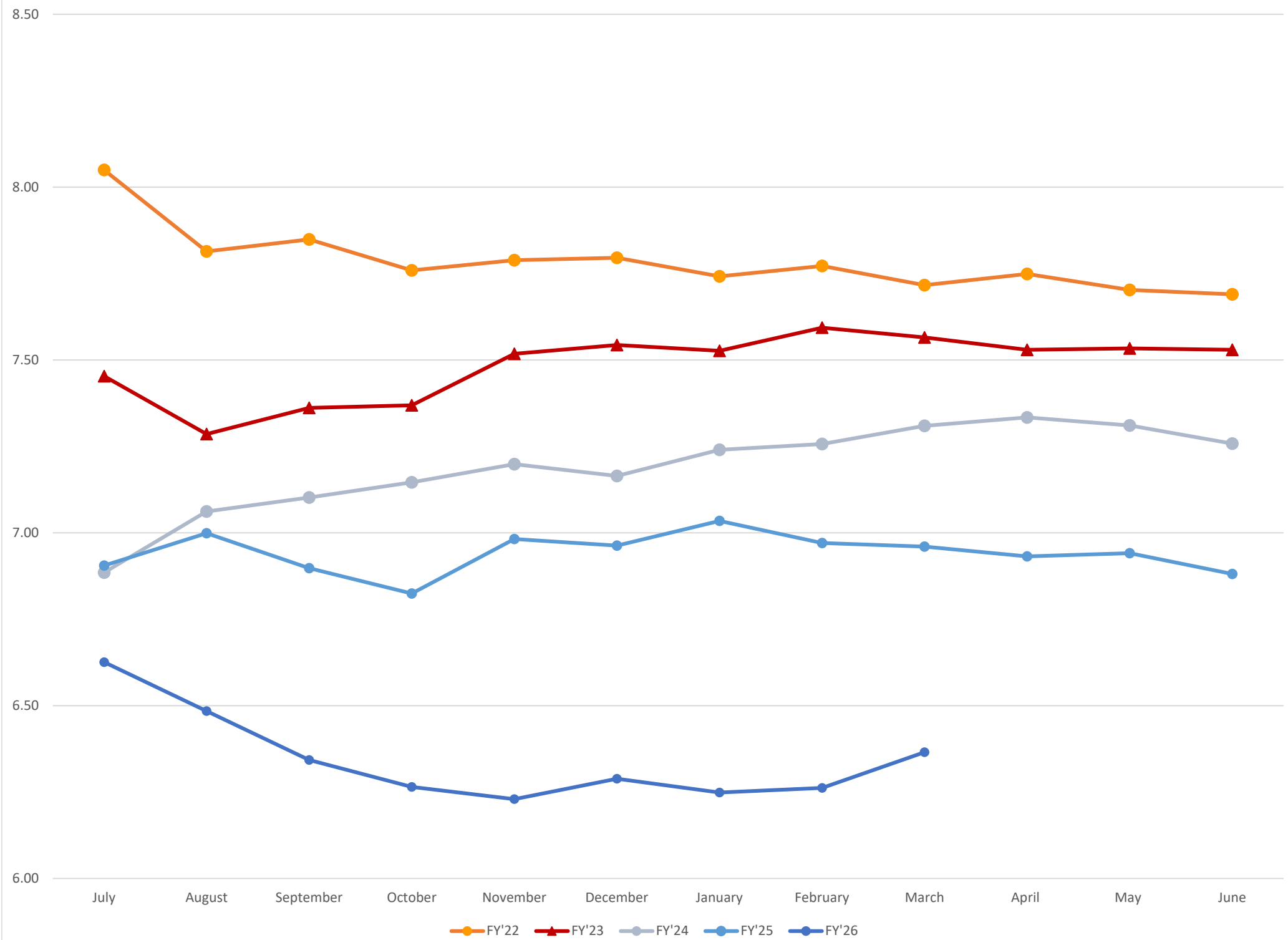
		PS		All Other Expenditures																		Total All Other	Expenditures		
		PROF. SERVICES, NOT BY STATE	PROF. SERVICES, BY STATE	TRAVEL EXPENSES, IN STATE	EXPENSES, OUT OF STATE	UTILITY SERVICES	RENTS	REPAIRS	INSURANCE	GENERAL OPERATIONS	EMPLOYEE TRAINING	COMMODITIES -			EQUIPMENT AND TECHNOLOGY		OFFICE & OTHER SUPPLIES	HIGHWAY MATERIAL S	LABOR AND INS CLIENT BENEFITS	ASSISTANCE AND RELIEF GRANT	CHARGES TO ASSETS AND LIAB.	TELECOMMU NICATIONS			
												FOOD	TECHNOLOGY	CLOTHING											
31-39	40	41	42	43	45	46	47	48	49	50	51	53	54	55	56	58	65	67	90	95					
Budget		10,236,779.00	35,336,015.00	18,698,571.00	229,990.00	-	-	75,000.00	-	3,760.00	58,850.00	7,900.00	-	1,103,515.00	-	18,979.00	43,673.00	-	-	-	5,000.00	55,581,253.00	65,818,032.00		
	Jul-25	1	958,692.39	5,088,111.07	24,744.24	3,113.42	-	-	26,368.72	-	9,502.81	141,664.30	1,125.00	7,222.55	103,018.06	-	-	4,905.12	-	-	-	785.00	2,167.00	5,412,727.29	6,371,419.68
	Aug-25	2	671,020.24	3,858,988.20	33.00	7,349.04	-	-	818.50	-	-	109,415.38	820.64	12,275.35	23,839.20	-	600.00	14,989.31	-	45.89	-	300.00	-	4,029,474.51	4,700,494.75
	Sep-25	3	709,069.15	4,560,907.85	-	2,427.68	-	16.00	-	-	225.00	112,990.70	4,630.00	-	56,561.83	144.50	-	7,934.97	-	-	-	150.00	-	4,745,988.53	5,455,057.68
	Oct-25	4	764,732.76	3,957,517.65	24,744.24	5,489.51	-	-	-	-	18.15	114,727.39	900.00	-	89,781.72	156.44	224.97	7,018.35	-	-	-	-	147.15	4,200,725.57	4,965,458.33
	Nov-25	5	779,329.10	3,229,029.34	-	11,383.59	1,110.23	40.88	32,894.97	15.12	-	152,567.30	7,689.26	28,907.59	18,358.00	-	(109.98)	12,738.81	-	-	48.25	-	-	3,494,673.36	4,274,002.46
	Dec-25	6	1,110,041.04	4,553,885.61	-	8,130.86	157.68	-	31,517.01	-	-	180,570.40	(650.00)	-	57,550.87	-	-	4,105.87	-	-	-	1.00	-	4,835,269.30	5,945,310.34
	Jan-26	7	779,733.63	4,483,473.98	24,744.24	4,807.35	-	-	286,011.15	-	-	124,442.31	94.07	-	49,004.54	-	-	5,695.84	-	-	-	2.00	-	4,978,275.48	5,758,009.11
	Feb-26	8	797,417.30	3,926,908.37	-	3,284.17	-	32.00	54,948.22	-	-	148,425.08	8,970.00	-	55,518.33	-	-	106,548.44	28.39	-	111.45	11.00	-	4,304,785.45	5,102,202.75
	Mar-26	9	806,007.76	6,038,507.03	-	3,543.34	-	-	-	-	-	158,712.55	-	-	51,515.99	-	2,684.98	3,848.40	-	-	137.07	-	-	6,258,949.36	7,064,957.12
	Apr-26	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	May-26	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Jun-26	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures		7,376,043.37	39,697,329.10	74,265.72	49,528.96	1,267.91	88.88	#####	15.12	9,745.96	1,243,515.41	23,578.97	48,405.49	505,148.54	300.94	3,399.97	167,785.11	28.39	45.89	296.77	1,249.00	2,314.15	42,260,868.85	49,636,912.22	
Encumbrances			425,634.57	-	-	-	-	-	-	-	534.03	15,500.00	9,511.55	184,191.96	-	-	89,481.76	-	-	-	-	-	724,853.87	724,853.87	
Estimated Remaining Expenses		2,403,714.96	13,500,000.00	24,744.24	16,509.65	422.64	29.63	144,186.19	5.04	3,248.65	414,505.14	7,859.66	16,135.16	168,382.85	100.31	1,133.32	55,928.37	9.46	15.30	98.92	416.33	771.38	14,354,502.25	16,758,217.21	
Total Estimated Expenses		9,779,758.33	53,622,963.67	99,009.96	66,038.61	1,690.55	118.51	#####	20.16	12,994.61	1,658,554.58	46,938.63	74,052.20	857,723.35	401.25	4,533.29	313,195.24	37.85	61.19	395.69	1,665.33	3,085.53	57,340,224.97	67,119,983.30	
Remaining Funds Available		457,020.67	(18,286,948.67)	18,599,561.04	163,951.39	(1,690.55)	(118.51)	#####	(20.16)	(9,234.61)	(1,599,704.58)	(39,038.63)	(74,052.20)	245,791.65	(401.25)	14,445.71	(269,522.24)	(37.85)	(61.19)	(395.69)	(1,665.33)	1,914.47	(1,758,971.97)	(1,301,951.30)	

Sum of Expended Amount		Fund	Approp	Grand Total
Object Revenue	Object Name	010 Z11201	014 Z11201	
4003	ACCOUNT & AUDIT SERVICES	8,035.00		8,035.00
4005	READER & INTERPRETER SERV	6,996.00		6,996.00
4031	INSPECT & INVESTIGATION	45,549.04		45,549.04
4040	COURT APPOINTED ATTORNEYS	5,800,476.34	198,849.33	5,999,325.67
4042	LEGAL SERVICES	270.00		270.00
4047	PSYCHOLOGICAL EXAMINATION	129,216.10		129,216.10
4075	CASE MANAGEMENT SERVICES	27,254.64		27,254.64
4099	MISC PROF FEES & SPEC SRV	20,709.91		20,709.91
4270	AUTO MILEAGE-GEN IN STATE	2,989.96		2,989.96
4271	OTHER TRANSPORTATION	24.60		24.60
4273	HOTEL ROOM & LODGING	420.10		420.10
4275	MISCELLANEOUS EXPENSE	108.68		108.68
4909	COURIER SERVICE	27.48		27.48
4911	POSTAGE	3,679.34		3,679.34
4913	INTRAGOVERNMENTAL SERVICE	13.73		13.73
4922	WASTE RECYCLING	7.50		7.50
4930	TRANSCRIPTS	29,426.86		29,426.86
4946	ADVERTISING NOTICES	423.20		423.20
4959	EXPERT WITNESS FEES	124,684.44		124,684.44
4983	DUES	450.00		450.00
5301	OIT PROFESSIONAL CHARGES	8,823.02		8,823.02
5302	TELEPHONE SERVICE	1,446.40		1,446.40
5310	IT END USER SERVICES	17,316.61		17,316.61
5315	IT APPLICATIONS-BY STATE	3,782.72		3,782.72
5331	NETWORK ACCESS	145.62		145.62
5341	LEASE PURCHASE HARDWARE/SYSTEM	1,343.30		1,343.30
5355	SOFTWARE MAINT / LICENSES	17,220.88		17,220.88
5370	MINOR IT EQUIPMENT	1,437.44		1,437.44
5562	CELL PHONE SERVICES	2,684.98		2,684.98
5602	OFFICE SUPPLIES	586.48		586.48
5656	MODULAR FURNITURE	3,261.92		3,261.92
6755	MEDICAL REPORTS/RECORDS	137.07		137.07
8511	TRANS TO GEN FUND STACAP		688.63	688.63
Grand Total		6,258,949.36	199,537.96	6,458,487.32

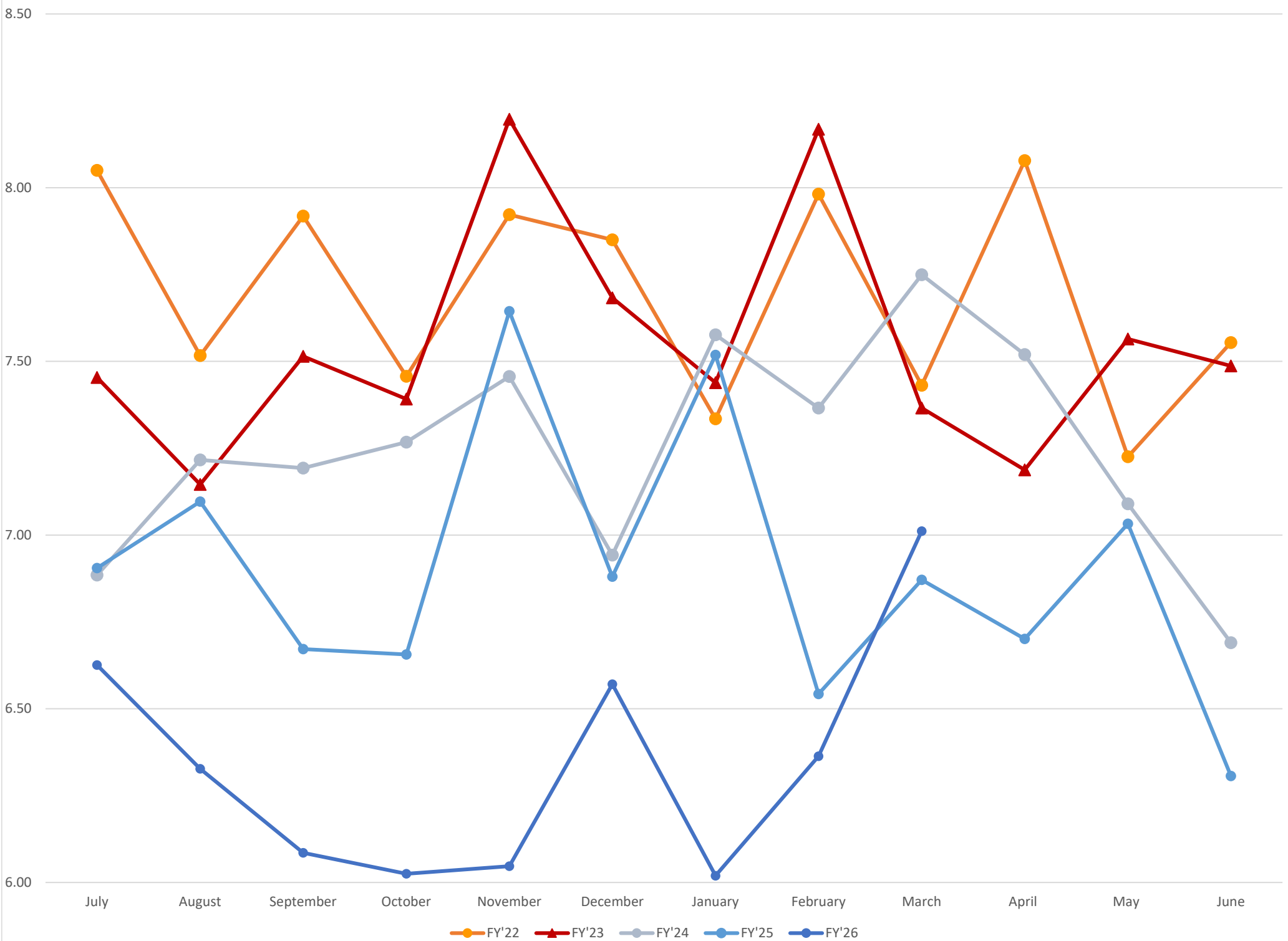
Paid Hours Amount



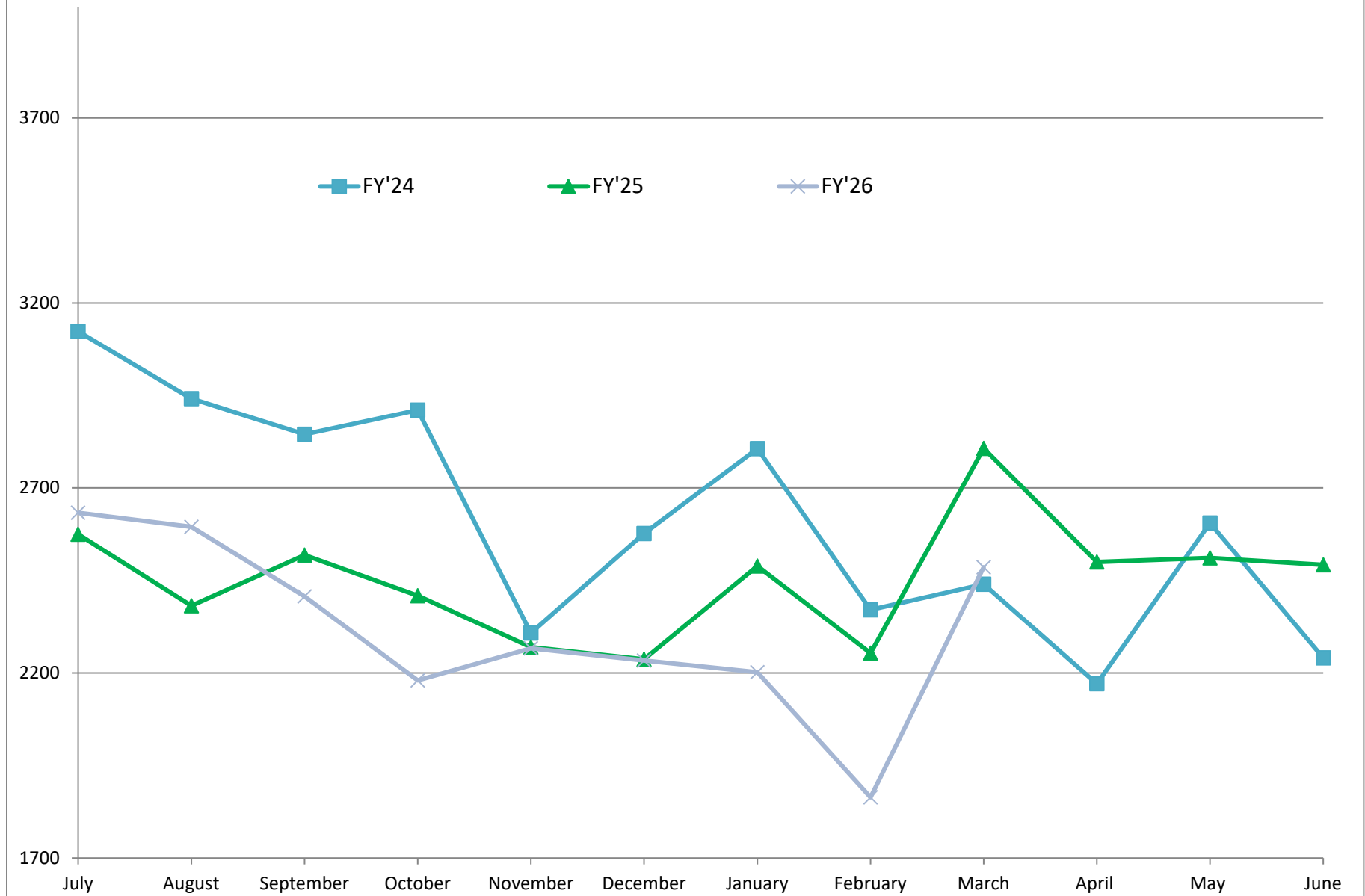
Average Hours per Voucher FYTD



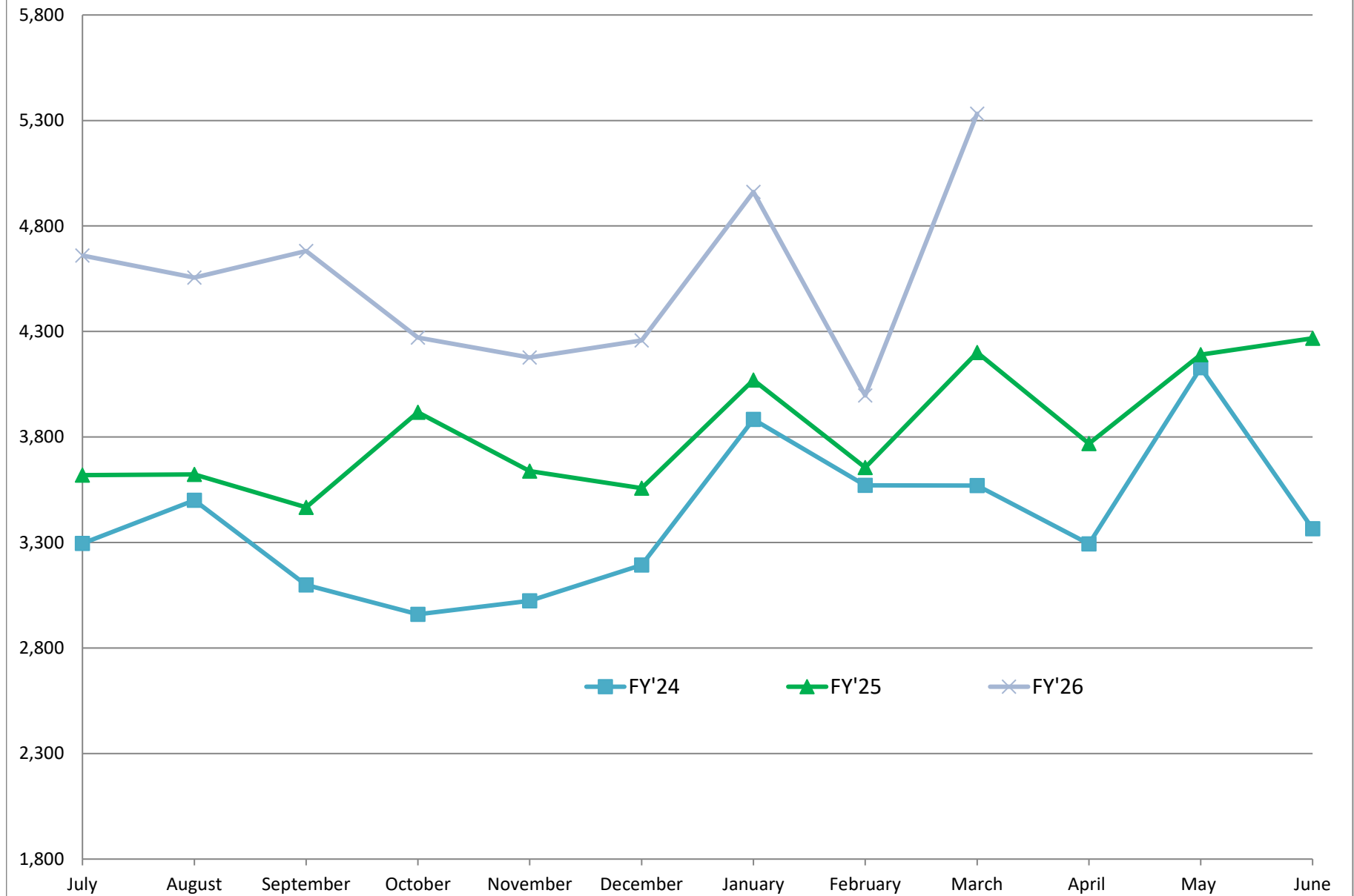
Monthly Average Hours per Voucher



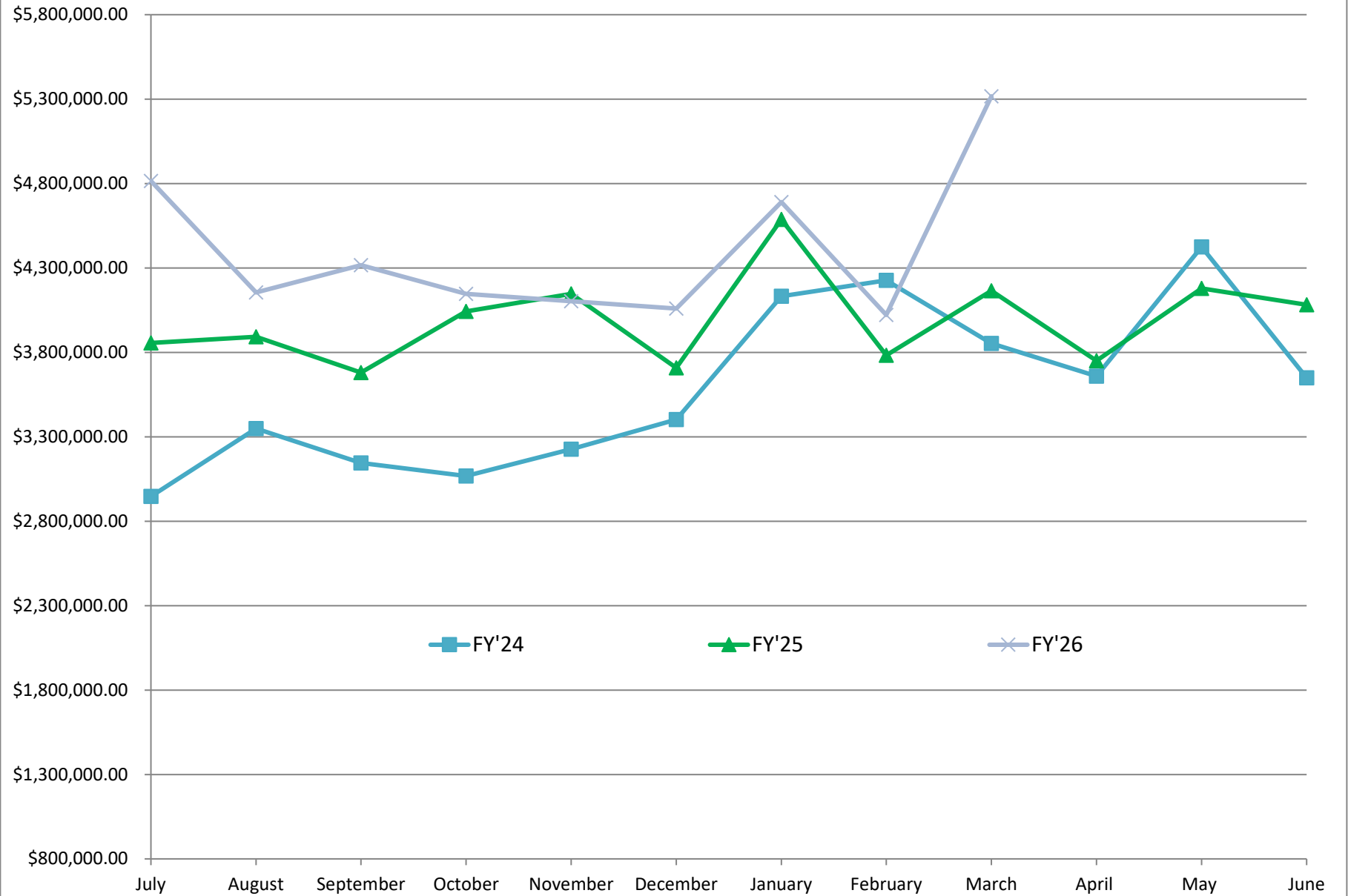
NEW CASES



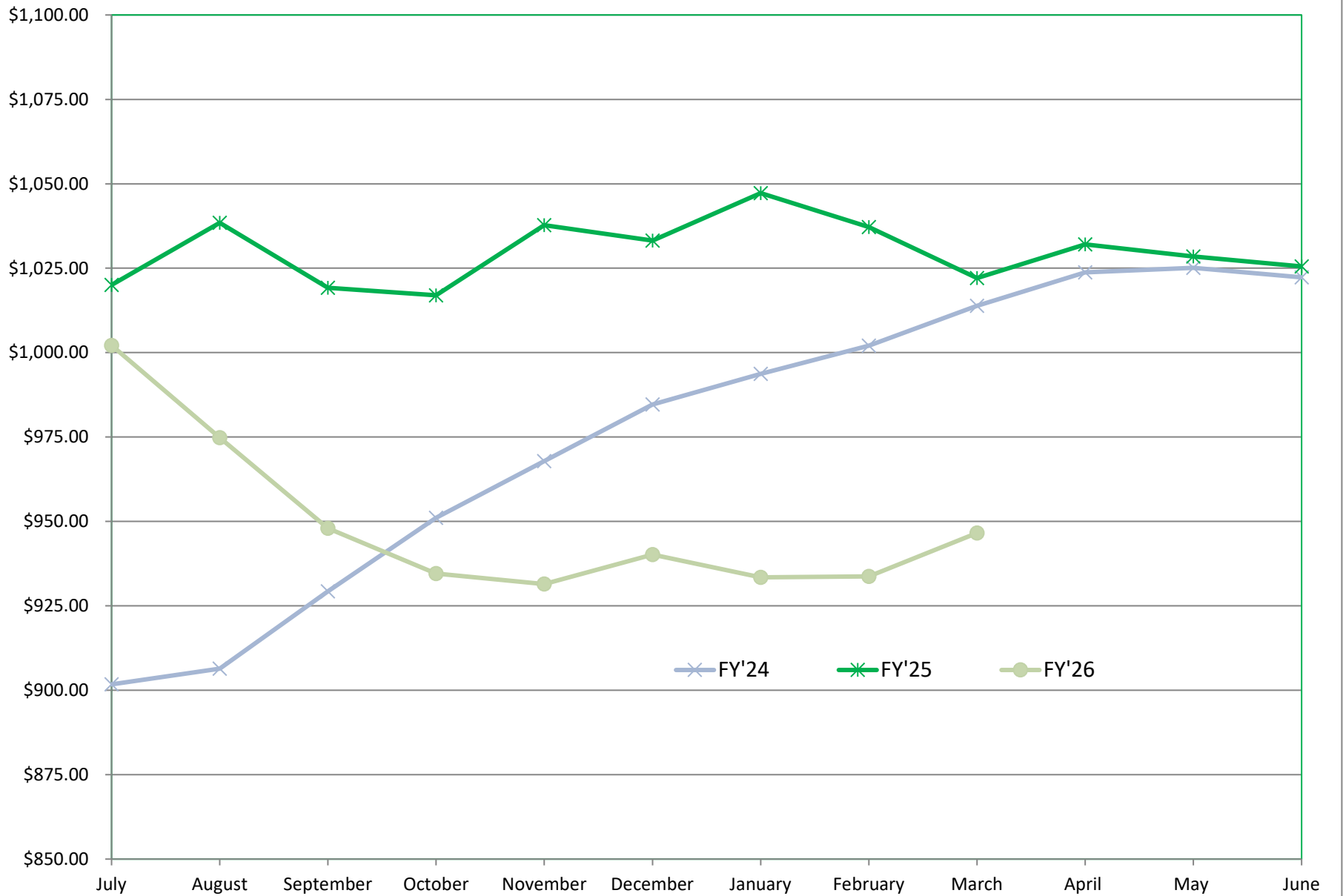
Submitted Vouchers



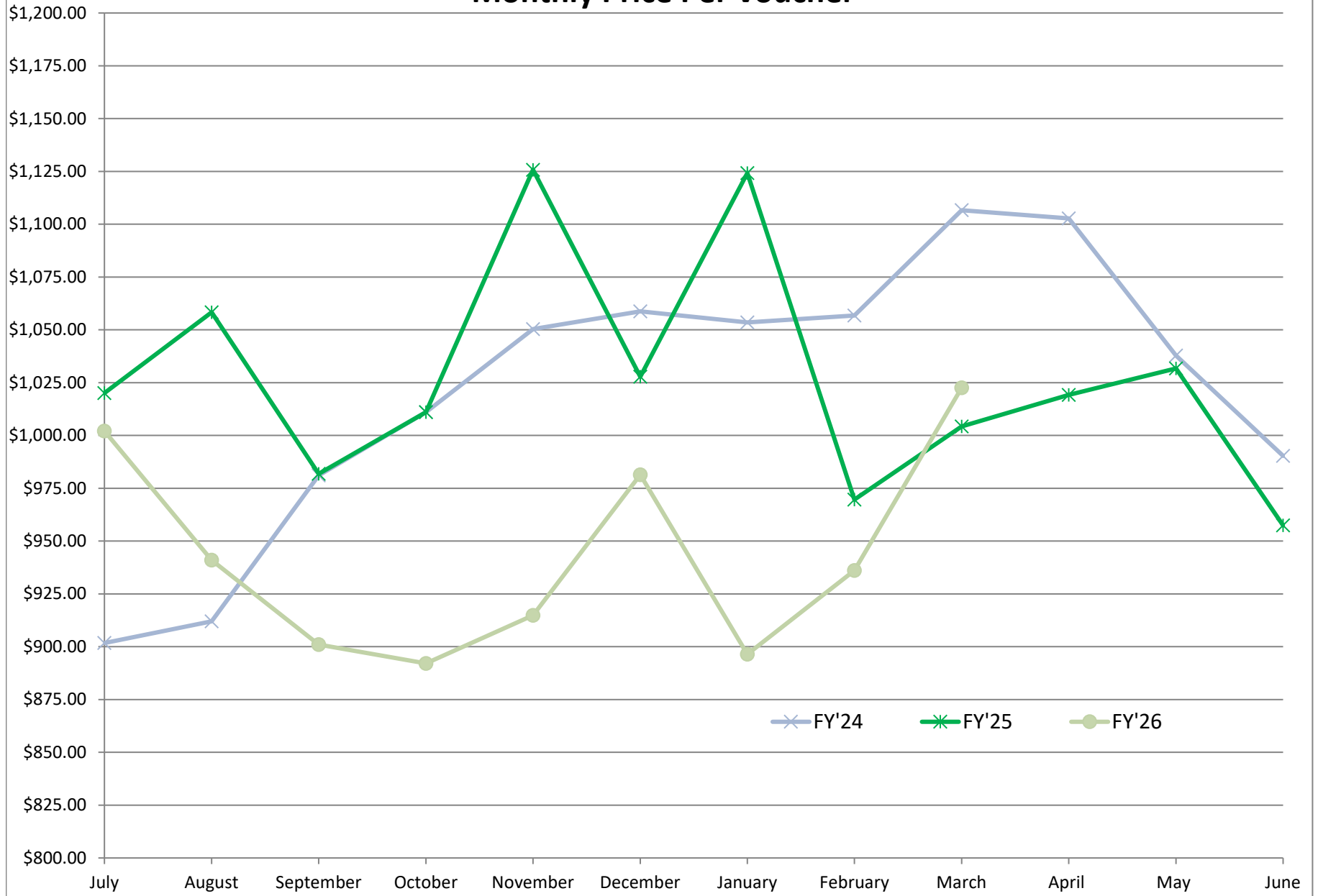
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of March 20, 2026

UCD	FELONY				MISDEMEANOR				CIVIL VIOLATION			ALL CASES			
	Pending	On DD	No IA	% No IA	Pending	On DD	No IA	% No IA	Pending	No IA	% No IA	Pending	On DD	No IA	% No IA
Androscoggin	689	131	123	17.9%	1,262	219	447	35.4%	40	33	82.5%	1,991	350	603	30.3%
Aroostook	484	108	36	7.4%	723	252	156	21.6%	68	58	85.3%	1,275	360	250	19.6%
Caribou	101	23	13	12.9%	136	48	33	24.3%	13	10	76.9%	250	71	56	22.4%
Fort Kent	61	20	3	4.9%	132	60	20	15.2%	20	18	90.0%	213	80	41	19.2%
Houlton	153	24	8	5.2%	206	70	61	29.6%	9	8	88.9%	368	94	77	20.9%
Presque Isle	169	41	12	7.1%	249	74	42	16.9%	26	22	84.6%	444	115	76	17.1%
Cumberland	1,221	192	97	7.9%	2,654	437	463	17.4%	66	22	33.3%	3,941	629	582	14.8%
Bridgton	21	7	1	4.8%	224	45	41	18.3%	9	7	77.8%	254	52	49	19.3%
Portland	1,190	183	93	7.8%	2,199	342	380	17.3%	40	10	25.0%	3,429	525	483	14.1%
West Bath	10	2	3	30.0%	231	50	42	18.2%	17	5	29.4%	258	52	50	19.4%
Franklin	121	28	27	22.3%	310	104	96	31.0%	12	10	83.3%	443	132	133	30.0%
Hancock	220	30	11	5.0%	419	59	90	21.5%	26	13	50.0%	665	89	114	17.1%
Kennebec	636	103	105	16.5%	1,396	231	394	28.2%	41	33	80.5%	2,073	334	532	25.7%
Augusta	606	95	99	16.3%	926	144	277	29.9%	20	15	75.0%	1,552	239	391	25.2%
Waterville	30	8	6	20.0%	470	87	117	24.9%	21	18	85.7%	521	95	141	27.1%
Knox	234	26	22	9.4%	510	122	116	22.7%	10	4	40.0%	754	148	142	18.8%
Lincoln	186	34	21	11.3%	393	111	84	21.4%	21	5	23.8%	600	145	110	18.3%
Oxford	384	92	64	16.7%	708	196	213	30.1%	33	24	72.7%	1,125	288	301	26.8%
Bridgton	46	16	14	30.4%	90	18	31	34.4%	0	0	0.0%	136	34	45	33.1%
Rumford	83	26	7	8.4%	128	49	10	7.8%	4	1	25.0%	215	75	18	8.4%
South Paris	255	50	43	16.9%	490	129	172	35.1%	29	23	79.3%	774	179	238	30.7%
Penobscot	584	32	51	8.7%	1,416	34	370	26.1%	53	32	60.4%	2,053	66	453	22.1%
Bangor	562	32	47	8.4%	1,032	26	245	23.7%	11	5	45.5%	1,605	58	297	18.5%
Lincoln	7	0	4	57.1%	146	3	64	43.8%	30	25	83.3%	183	3	93	50.8%
Newport	15	0	0	0.0%	238	5	61	25.6%	12	2	16.7%	265	5	63	23.8%
Piscataquis	30	1	10	33.3%	70	2	28	40.0%	56	54	96.4%	156	3	92	59.0%
Sagadahoc	120	22	8	6.7%	294	105	52	17.7%	8	2	25.0%	422	127	62	14.7%
Somerset	336	70	41	12.2%	580	96	174	30.0%	27	22	81.5%	943	166	237	25.1%
Waldo	181	29	16	8.8%	310	88	58	18.7%	7	6	85.7%	498	117	80	16.1%
Washington	190	14	11	5.8%	257	58	53	20.6%	14	4	28.6%	461	72	68	14.8%
Calais	68	6	2	2.9%	112	25	22	19.6%	6	3	50.0%	186	31	27	14.5%
Machias	122	8	9	7.4%	145	33	31	21.4%	8	1	12.5%	275	41	41	14.9%
York	700	113	78	11.1%	2,320	595	473	20.4%	64	8	12.5%	3,084	708	559	18.1%
TOTAL	6,316	1,025	721	11.4%	13,622	2,709	3,267	24.0%	546	330	60.4%	20,484	3,734	4,318	21.1%

Columns

Pending	Number of cases having at least one charge without a disposition, and without a currently active warrant.
On DD	Number of pending cases with an Order of Deferred Disposition entered.
No IA	Number of pending cases with a complaint filed, but not having an initial appearance or arraignment held or waived.
% No IA	Percent of pending cases without an initial appearance/arraignment.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the court are not included in the reported counts.

Change in Pending UCD Cases, March 2025 to March 2026

Pending cases as of March 20 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff
Androscoggin	749	689	-8.0%	1,399	1,262	-9.8%	12	40	233.3%	2,160	1,991	-7.8%
Aroostook	510	484	-5.1%	773	723	-6.5%	48	68	41.7%	1,331	1,275	-4.2%
Caribou	92	101	9.8%	143	136	-4.9%	22	13	-40.9%	257	250	-2.7%
Fort Kent	77	61	-20.8%	174	132	-24.1%	20	20	0.0%	271	213	-21.4%
Houlton	147	153	4.1%	208	206	-1.0%	5	9	80.0%	360	368	2.2%
Presque Isle	194	169	-12.9%	248	249	0.4%	1	26	2500.0%	443	444	0.2%
Cumberland	1,357	1,221	-10.0%	3,297	2,654	-19.5%	89	66	-25.8%	4,743	3,941	-16.9%
Bridgton	25	21	-16.0%	298	224	-24.8%	18	9	-50.0%	341	254	-25.5%
Portland	1,308	1,190	-9.0%	2,654	2,199	-17.1%	44	40	-9.1%	4,006	3,429	-14.4%
West Bath	24	10	-58.3%	345	231	-33.0%	27	17	-37.0%	396	258	-34.8%
Franklin	114	121	6.1%	305	310	1.6%	16	12	-25.0%	435	443	1.8%
Hancock	230	220	-4.3%	382	419	9.7%	27	26	-3.7%	639	665	4.1%
Kennebec	580	636	9.7%	1,419	1,396	-1.6%	19	41	115.8%	2,018	2,073	2.7%
Augusta	549	606	10.4%	871	926	6.3%	18	20	11.1%	1,438	1,552	7.9%
Waterville	31	30	-3.2%	548	470	-14.2%	1	21	2000.0%	580	521	-10.2%
Knox	193	234	21.2%	573	510	-11.0%	11	10	-9.1%	777	754	-3.0%
Lincoln	170	186	9.4%	390	393	0.8%	5	21	320.0%	565	600	6.2%
Oxford	461	384	-16.7%	867	708	-18.3%	21	33	57.1%	1,349	1,125	-16.6%
Bridgton	47	46	-2.1%	86	90	4.7%	2	0	-100.0%	135	136	0.7%
Rumford	157	83	-47.1%	298	128	-57.0%	4	4	0.0%	459	215	-53.2%
South Paris	257	255	-0.8%	483	490	1.4%	15	29	93.3%	755	774	2.5%
Penobscot	720	584	-18.9%	1,556	1,416	-9.0%	79	53	-32.9%	2,355	2,053	-12.8%
Bangor	702	562	-19.9%	1,163	1,032	-11.3%	12	11	-8.3%	1,877	1,605	-14.5%
Lincoln	4	7	75.0%	156	146	-6.4%	56	30	-46.4%	216	183	-15.3%
Newport	14	15	7.1%	237	238	0.4%	11	12	9.1%	262	265	1.1%
Piscataquis	26	30	15.4%	94	70	-25.5%	44	56	27.3%	164	156	-4.9%
Sagadahoc	163	120	-26.4%	384	294	-23.4%	13	8	-38.5%	560	422	-24.6%
Somerset	291	336	15.5%	479	580	21.1%	41	27	-34.1%	811	943	16.3%
Waldo	192	181	-5.7%	346	310	-10.4%	2	7	250.0%	540	498	-7.8%
Washington	165	190	15.2%	260	257	-1.2%	28	14	-50.0%	453	461	1.8%
Calais	76	68	-10.5%	108	112	3.7%	8	6	-25.0%	192	186	-3.1%
Machias	89	122	37.1%	152	145	-4.6%	20	8	-60.0%	261	275	5.4%
York	699	700	0.1%	2,487	2,320	-6.7%	43	64	48.8%	3,229	3,084	-4.5%
TOTAL	6,620	6,316	-4.6%	15,011	13,622	-9.3%	498	546	9.6%	22,129	20,484	-7.4%

Columns

2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 20, 2025
2026	Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 20, 2026
% Diff	Percent change in pending cases from 2025 to 2026. Red percentages represent an increase, green percentages a decrease.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.

Change in Pending UCD Cases, March 2019 to March 2026

Pending cases as of March 20 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff
Androscoggin	359	689	91.9%	1,315	1,262	-4.0%	52	40	-23.1%	1,726	1,991	15.4%
Aroostook	332	484	45.8%	578	723	25.1%	51	68	33.3%	961	1,275	32.7%
Caribou	65	101	55.4%	131	136	3.8%	3	13	333.3%	199	250	25.6%
Fort Kent	34	61	79.4%	115	132	14.8%	15	20	33.3%	164	213	29.9%
Houlton	99	153	54.5%	114	206	80.7%	3	9	200.0%	216	368	70.4%
Presque Isle	134	169	26.1%	218	249	14.2%	30	26	-13.3%	382	444	16.2%
Cumberland	794	1,221	53.8%	2,518	2,654	5.4%	117	66	-43.6%	3,429	3,941	14.9%
Bridgton	10	21	110.0%	200	224	12.0%	23	9	-60.9%	233	254	9.0%
Portland	767	1,190	55.1%	1,975	2,199	11.3%	69	40	-42.0%	2,811	3,429	22.0%
West Bath	17	10	-41.2%	343	231	-32.7%	25	17	-32.0%	385	258	-33.0%
Franklin	86	121	40.7%	259	310	19.7%	35	12	-65.7%	380	443	16.6%
Hancock	213	220	3.3%	446	419	-6.1%	44	26	-40.9%	703	665	-5.4%
Kennebec	327	636	94.5%	1,019	1,396	37.0%	56	41	-26.8%	1,402	2,073	47.9%
Augusta	312	606	94.2%	577	926	60.5%	32	20	-37.5%	921	1,552	68.5%
Waterville	15	30	100.0%	442	470	6.3%	24	21	-12.5%	481	521	8.3%
Knox	133	234	75.9%	296	510	72.3%	7	10	42.9%	436	754	72.9%
Lincoln	96	186	93.8%	200	393	96.5%	4	21	425.0%	300	600	100.0%
Oxford	208	384	84.6%	459	708	54.2%	25	33	32.0%	692	1,125	62.6%
Bridgton	25	46	84.0%	75	90	20.0%	3	0	-100.0%	103	136	32.0%
Rumford	94	83	-11.7%	169	128	-24.3%	9	4	-55.6%	272	215	-21.0%
South Paris	89	255	186.5%	215	490	127.9%	13	29	123.1%	317	774	144.2%
Penobscot	354	584	65.0%	1,035	1,416	36.8%	148	53	-64.2%	1,537	2,053	33.6%
Bangor	345	562	62.9%	814	1,032	26.8%	97	11	-88.7%	1,256	1,605	27.8%
Lincoln	5	7	40.0%	65	146	124.6%	33	30	-9.1%	103	183	77.7%
Newport	4	15	275.0%	156	238	52.6%	18	12	-33.3%	178	265	48.9%
Piscataquis	15	30	100.0%	48	70	45.8%	26	56	115.4%	89	156	75.3%
Sagadahoc	78	120	53.8%	218	294	34.9%	26	8	-69.2%	322	422	31.1%
Somerset	144	336	133.3%	454	580	27.8%	66	27	-59.1%	664	943	42.0%
Waldo	102	181	77.5%	244	310	27.0%	3	7	133.3%	349	498	42.7%
Washington	100	190	90.0%	181	257	42.0%	45	14	-68.9%	326	461	41.4%
Calais	28	68	142.9%	82	112	36.6%	11	6	-45.5%	121	186	53.7%
Machias	72	122	69.4%	99	145	46.5%	34	8	-76.5%	205	275	34.1%
York	735	700	-4.8%	2,513	2,320	-7.7%	108	64	-40.7%	3,356	3,084	-8.1%
TOTAL	4,076	6,316	55.0%	11,783	13,622	15.6%	813	546	-32.8%	16,672	20,484	22.9%

Columns

2019	Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 20, 2019
2026	Number of cases having at least one charge without a disposition, and without a currently active warrant as of March 20, 2026
% Diff	Percent change in pending cases from 2019 to 2026. Red percentages represent an increase, green percentages a decrease.

Cases are categorized based on the most serious offense charged. Local ordinance violations filed with the courts are not included in the reported counts.

DISTRICT DEFENDERS' COMMISSION REPORT

April 2026

Tri-County Region Updates

In March, Tri-County Region convinced the court to order the State to provide the “digital audit trail” information to the defense. That document is the autopsy, so-to-speak, of the police officers’ body/dash cameras. It notes when the officer shut it off, turned it on, muted it, edited it, etc. So, now we can obtain documentation about the creation of video footage and, more significantly, when video evidence is intentionally not being created or preserved to add context to the video evidence in our cases. This is a significant change in how things work in the region.

Ben Raker obtained a dismissal in a sexual assault case last month based on weaknesses in the State case. He turned around and was able to prevail upon the prosecutor to withdraw the associated probation revocation motion based on the same facts. His careful review of the discovery enabled him to highlight serious evidentiary deficiencies in the state’s case, eliminating the need to drive to Franklin for a hearing that would have taken many hours and obtained a successful result for his client based on skilled analysis and persuasive negotiation. While this is a fantastic outcome for his client, it highlights the need for the State to thoroughly analyze their cases before filing, so charges are not brought with insufficient evidence.

Members of the office joined the local Androscoggin bar for an evening of bowling where they enjoyed time with colleagues from the court, the DA’s office and those in private practice.



Big Wins in Capital Region

Not Guilty! Dan Lawson recently had a two-day trial in Kennebec on a six-count indictment for Robbery (Class A), Burglary (Class B), Aggravated Assault (Class B), Criminal Threatening with a Dangerous Weapon (Class C), Theft (priors) (Class C), and Violating Conditions of Release (Class E). After the State closed, Dan argued a Motion for Judgment of Acquittal that resulted in the Criminal Threatening charge being dismissed.

Following Dan’s masterful closing argument, the jury deliberated for a few hours before returning a verdict of Not Guilty on all remaining counts! Not only did this result in the end of the case against this client but also secured release from jail. Our client had served 11 months on pretrial detention having been unable to post the required \$100,000 cash bail.

With Dan’s strong advocacy, our client could return home to his partner and young child who he had only seen through glass for most of the last year.

Motion for Sanctions win! Hillary Knight filed a Motion to Close Discovery in a felony assault case that included an inventory of all discovery that had been provided. A week later, the State provided medical records from the alleged victim that it had referenced in the police report but didn’t attempt to get until after Hillary filed the Motion to Close Discovery, 10 months later. Hillary moved for sanctions and the Court determined that “the State was not sufficiently diligent in pursuing the records, and their late production would be unfairly prejudicial to the Defendant.” The Court excluded the medical records as the sanction.

Motion to Suppress win! Dan Lawson and former Law Student Extern Lindsey Childs recently received a decision on a Motion to Suppress that went to hearing in November 2025 wherein the Court found that law enforcement’s search of the client’s pockets was unlawful and not subject to any exception. This resulted in the suppression of the only alleged drug evidence found in the case.

Aroostook County Not Guilty

James Hoeffgen had another acquittal. It was a Class A Gross Sexual Assault case that lasted only one day. The stakes were high, as the offer from the State was disproportionately high compared to the age and scarcity of evidence it had to offer.

Despite the seriousness of the case, the jury came back with a Not Guilty verdict in less than half an hour. James’ preparation, hard work, and commitment to his client’s denial of guilt paid off for his client, saving him from potentially spending no less than 15 years in jail for a crime that he did not commit.

UCI Students in Aroostook County

The Aroostook County Public Defenders were recently assisted by four students from the University of California-Irvine School of Law (UCI). The four students, accompanied by the Director of Internships for UCI came to Maine as part of their spring break internship program.

Assistant Defender Emily Genzlinger, a UCI graduate, facilitated this visit. The students assisted with research on complex legal issues and were able to practice as student attorneys for an arraignment day in Fort Kent, with supervision from Emily and the District Defender.

Lawyers “From Away”

This is part two of District Defender Max Coolidge's series about lawyers who have moved to Maine to work for PDS. The series originated with an observation from the District Defenders that these lawyers “from away” brought with them experiences and approaches that had never been seen in Maine before. These perspectives have been incredibly valuable in every office. Max has spearheaded the push to connect with these lawyers, get their stories, and ultimately look at their experiences with how the criminal legal system works here as compared to their various states of origin.

Emily Genzlinger and James Hoffgen moved from St. Tammany Parish, Louisiana, to Aroostook County, Maine in 2024 to work in the brand-new public defender office in Caribou. The timing was perfect for them. Louisiana had recently passed legislation that was going to decrease the ranks of employed public defenders in the state, cut pay, and make the system rely more heavily on contract counsel to provide public defense services. At the exact same time, Maine was moving in the opposite direction and recognizing the vital need for a robust and well-funded employed public defender system. James said that when they started looking for a career in another state, they saw that Maine was heading in the right direction and decided to be a part of that.

Maine's aging population and lack of migration to rural areas is an issue affecting all professions and industries, but we are keenly aware of how it is impacting the legal profession. Making it possible for two young lawyers (and their two-year old daughter) to move to Caribou, buy a house, and immediately start serving clients in the community is a commendable achievement of MCPDS.

Emily and James are both alumni of Gideon's Promise – a nationally recognized non-profit dedicated to training, supporting, and inspiring public defense professionals. Their training and prior experience as public defenders has paid off very well for the clients they serve in Aroostook County. They have both been taking cases to trial nearly every month since they started working here, and they have been winning – a lot.

The name Gideon's Promise refers of course to the landmark U.S. Supreme Court decision in *Gideon v. Wainwright* which established the guaranteed right to counsel and created the public defense profession. We celebrated the 63rd anniversary of *Gideon* just last month on March 18.

One of things that led Emily and James to leave Louisiana was a statement by their governor that indigent defendants were not entitled to a “Cadillac defense.” The implication being that public defense services could not be expected to be high quality or cost money. The Supreme Court in *Gideon* commands otherwise: “Governments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. . . . Similarly, there are few defendants charged with crime . . . who fail to hire the best lawyers they can get to prepare and present their defenses.” *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963). The right to appointed counsel is therefore premised on the idea that any person whose liberty is at stake in criminal court would choose to hire the best counsel they could afford. The Court in *Gideon* goes on to observe “the widespread belief that lawyers in criminal courts are necessities, not luxuries.” *Id.*

James and Emily's story supports the proposition that there is a relatively straightforward way for Maine to attract quality legal talent to help fulfil the State's constitutional obligations under the 6th Amendment: provide good paying public defender jobs with appropriate workloads and support those public defenders through professional enrichment and training. There are lawyers and law students all over the country who want to dedicate their professional lives to this vitally important work and they will come to Maine if we make it possible for them to do so.

Max Coolidge, District Defender, Downeast Region Public Defenders

Internships around the State

The PD offices are saying goodbye to their current externs and getting ready for Summer interns next month. Interns provide invaluable assistance with research and writing. Rising 3L interns are also able to practice under supervision giving these future attorneys a taste of criminal practice and providing

a stream of future Assistant Defenders.

This year, we are collaborating with the MIDC to provide a thorough intern onboarding training. Through this collaboration we are hoping to provide interns with the tools they need to be competent, confident and inspired to invest their careers in the field of criminal defense.



MAINE COMMISSION ON PUBLIC DEFENSE SERVICES 2026-2027 REGULATORY AGENDA

AGENCY UMBRELLA-UNIT NUMBER: 94-649

AGENCY NAME: Maine Commission on Public Defense Services

Contact Person: Darcy Fisher, Deputy Director of Operations, 154 State House Station,
Augusta, Maine 04333-0154; Telephone: (207) 287-3263

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2026-2027 RULEMAKING ACTIVITY:

CHAPTER 1 (Title TBD): GENERAL RULES

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2), (2)(D), (3)(A), (3)(E), and (4)(D)

PURPOSE: To provide rules regarding general Commission requirements and expectations of counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel, contract counsel, and licensed attorneys who apply to become eligible to receive assignments.

AMENDMENT - CHAPTER 2 (TO BE RENAMED AND RENUMBERED): Standards for Qualifications of Contract and Assigned Counsel

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(B), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel, contract counsel, and licensed attorneys who apply to become eligible to receive assignments.

AMENDMENT - CHAPTER 3 (TO BE RENAMED AND RENUMBERED): Eligibility Requirements for Specialized Panels

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(B), (2)(G), (3)(E) and (4)(D)

PURPOSE: To provide the Commission with a basis for determining which attorneys are qualified to be assigned to represent indigent people in specialized case types.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and licensed attorneys who apply to become eligible to receive assignments in specialized case types.

AMENDMENT- CHAPTER 4: Caseload Standards for Assigned Counsel and Contract Counsel

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(C), (2)(G), and (4)(D)

PURPOSE: To establish caseload standards for assigned and contract counsel and a method for tracking and monitoring caseloads on an ongoing basis.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT - CHAPTER 101 (TO BE RENUMBERED): Juvenile Practice Standards

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure high-quality representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT - CHAPTER 102 (TO BE RENUMBERED): Adult Criminal Practice Standards

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure high-quality representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT - CHAPTER 103 (TO BE RENUMBERED): Child Protective Practice Standards

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To amend performance standards for assigned counsel and to provide the Commission with a basis for evaluating assigned counsel to ensure high-quality representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

CHAPTER TBD: Involuntary Commitment Practice Standards

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in involuntary commitment cases.

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

CHAPTER TBD: Appellate Practice Standards

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(D), 2(G), (3)(D) and (4)(D)

PURPOSE: To establish performance standards for rostered attorneys and to provide the Commission with a basis for evaluating rostered attorneys to ensure an adequate representation in appellate cases.

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT – CHAPTER 201 (TO BE RENUMBERED TO CHAPTER 6): Appeals of Decisions of the Executive Director

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(3)(J) and (4)(D)

PURPOSE: To amend the administrative review and appeal process for attorneys who are aggrieved by a decision of the Executive Director or their designee.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel, contract counsel, and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

AMENDMENT - CHAPTER 301 (TO BE RENAMED AND RENUMBERED): Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F), (3)(O), and (4)(D)

PURPOSE: To amend established standards for compensation of counsel and the reimbursement of counsel expenses for assigned counsel. To add audit procedures.

ANTICIPATED SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT CHAPTER 7-C (TO BE RENUMBERED): Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F), and (4)(D)

PURPOSE: To amend the eligibility for payment to assigned counsel for attending and reimbursement of expenses incidental to attending trainings, and to set forth administrative procedures for payment and reimbursement of eligible training expenses.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel.

AMENDMENT CHAPTER 301-B (TO BE RENUMBERED): Requirements for Payment of Paralegal and Secretarial Services

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F), and (4)(D)

PURPOSE: To establish a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT - CHAPTER 302 (TO BE RENUMBERED): Procedures Regarding Funds for Experts and Investigators

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(3)(L) and 4(D)

PURPOSE: To amend how requests for funds for non-counsel services must be filed with the Commission.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT CHAPTER 303 (TO BE RENUMBERED): Procedures Regarding Legal Research Access and Materials

STATUTORY AUTHORITY: §§ 1804(2)(G) and (4)(D)

PURPOSE: To amend the procedures for the reimbursement for necessary legal research materials for assigned or contract counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2026.

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT - CHAPTER 9: Indigency Guidelines

STATUTORY AUTHORITY: 4 M.R.S. §§ 1804(2)(A) and (4)(D)

PURPOSE: To amend established standards for determination of eligibility for indigent legal services.

ANTICIPATED SCHEDULE: Prior to October 1, 2026.

AFFECTED PARTIES: Indigent people who may be entitled to representation at State expense under the United States Constitution or the Constitution or Laws of Maine.

Chapter ~~6201~~: APPEALS OF DECISIONS OF THE EXECUTIVE DIRECTOR

Summary: This Chapter establishes the process for an appeal from a decision of the Executive Director to the Commissioners of the Commission on Public Defense-Indigent-Legal Services (~~"Commission"~~) pursuant to 4 M.R.S.A. § 1804(3)(J). ~~It provides for the appointment by the Commission Chair of a Presiding Officer to conduct an appeal process and to prepare a recommended decision for consideration and action by the Commission.~~

SECTION 1. ~~DEFINITIONS~~DEFINITIONS.

1. ~~1.~~ ~~Appellant~~Appellant. "~~Appellant~~Appellant" means a person who has filed an appeal.
2. ~~2.~~ Commission or PDS~~MCILS~~. "Commission" or "PDS~~MCILS~~" means the Maine Commission on Indigent-LegalPublic Defense Services.
3. ~~3.~~ Executive Director. "Executive Director" means the Executive Director of the Maine Commission on Indigent-LegalPublic Defense Services or the ~~Executive Director's~~ ir decision-making designee.
4. ~~4.~~ ~~File or Filing~~ing. "File" or "~~F~~filed" means delivery of an ~~original~~ document to ~~the~~ MCILS-PDS-Central Office. Delivery may be in-hand, by regular mail, by commercial delivery service, ~~or by email to the Executive Director or the like. Delivery may not be by electronic means such as email or facsimile.~~
5. ~~5.~~ ~~MCILS-PDS~~ Advisor. "~~MCILS-PDS~~ Advisor" means a MCILS-PDS staff member designated by the Commission Chair to act as MCILS-PDS Aadvisor with respect to an appeal.
6. Party. "Party" means the person bringing an appeal and the MCILS-PDS Executive Director.
7. ~~7.~~ Presiding Officer. "Presiding Officer" means the individual appointed by the Commission Chair to ~~conduct~~preside over the appeal proceedings under this Chapter ~~and make a recommended decision to the Commission.~~
8. ~~8.~~ Record. "Record" means those materials required by 5 ~~M.R.S.~~M.R.S. § 9059.

SECTION 2. ~~APPLICABILITY; WHO MAY APPEAL~~APPLICABILITY; WHO MAY APPEAL.

1. 1. ~~Application.~~

A. This ~~rule~~ Chapter applies to appeals to the Commission from decisions of the Executive Director on issues specifically set forth in 4 ~~M.R.S.~~M.R.S. § 1804(3)(J).

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—
A decision of the Executive Director concerning issues not specifically set forth in 4 ~~M.R.S.~~M.R.S. § 1804(3)(J) constitutes final agency action and is not subject to appeal under this Chapter.

B.

2. 2. ~~Who may Appeal.~~ A person who has been aggrieved by a decision of the Executive Director pertaining to the issues set forth in 4 ~~M.R.S.~~M.R.S. § 1804(3)(J) may appeal the decision to the Commission. An ~~appellant~~Appellant may be represented by another person ~~at Appellant's expense~~—in accordance with 4 ~~M.R.S.~~M.R.S. § 807 or may proceed without representation.

SECTION 3. ~~BRINGING AN APPEAL~~BRINGING AN APPEAL.

1. Decision, reconsideration~~reconsideration~~. Except as stated below, a decision of the Executive Director becomes final if no appeal is filed within the time limits set forth in this ~~S~~Section.

2. Reconsideration. A person aggrieved by a decision of the Executive Director may, within 10 calendar days after receipt of the decision of the Executive Director, request that the Executive Director reconsider that decision. Such a request must be accompanied by additional materials not previously submitted with respect to the original decision. If a request for reconsideration is filed in accordance with this subsection, the ~~running of that period~~deadline to file an appeal pursuant to Section 3(3) herein, is tolled, and the time for filing a Statement of Appeal shall be 30 calendar days after receipt of the decision on reconsideration.

3. Statement of Appeal~~appeal~~. An individual who wishes to appeal a decision must F~~file~~ a written ~~s~~Statement of Appeal~~appeal~~ with MCIS-PDS within 30 calendar days after receipt of the Executive Director's decision. For purposes of this section, a statement of appeal is "F~~filed~~" on the date it is received ~~at the MCILS PDS Central Office by PDS during normal business hours, if it is received by PDS by 4:30PM eastern standard time. A statement of appeal that is received by PDS after 4:30PM eastern standard time is Filed on the next business day.~~

4. 3. ~~Contents of the Statement~~statement of ~~Appeal~~appeal. The ~~s~~SStatement

of ~~a~~Appeal shall include, but is not limited to, a copy of the Executive Director's decision, the grounds for the appeal, and a statement of the ~~appellant~~Appellant's position.

~~4. Only issues that have previously been decided by the Executive Director can be appealed.~~

~~5. 5. Assignment to Presiding Officer & PDS Advisor.~~ When a statement of appeal is received, the Commission Chair ~~should~~ assign the appeal to a Presiding Officer ~~and PDS Advisor within 30 calendar days, in accordance with Section 5.~~ ~~Upon assignment of a Presiding Officer, MCILS staff shall notify the appellant in writing of the Presiding Officer's name and contact information and provide the appellant with a copy of this Chapter.~~

~~6. Assignment of the MCILS PDS Advisor.~~ When the Commission Chair assigns a Presiding Officer to the appeal ~~Within 10 days of receiving an appeal, the Commission Chair shall also designate the MCILS PDS Advisor. No person authorized to make decisions subject to the appeal process may be designated as MCILS PDS Advisor. Upon assignment of a Presiding Officer, the PDS Advisor shall notify the appellant in writing of the Presiding Officer's name and contact information and provide the appellant with a copy of this Chapter.~~

SECTION 4. ~~CHOICE OF APPEALS PROCESS~~CHOICE OF APPEALS PROCESS.

~~1. 1. Within 170 calendar days of receiving notice of appointment~~ assignment as PDS Advisor, ~~The Presiding Officer~~ the PDS Advisor shall notify the ~~appellant~~Appellant in writing of the option to choose one of two appeal processes:

~~A. A. Expedited Appeal.~~ The ~~appellant~~Appellant may choose to rely solely on the documentary evidence considered by the Executive Director and the Statement of Appeal. The decision to proceed under the Expedited Appeal process is irrevocable once the expedited process has commenced.

~~B. B. Hearing on Appeal.~~ Alternatively, the ~~appellant~~Appellant may request to have a hearing pursuant to 5 ~~M.R.S.~~M.R.S. § 9052.

2. The ~~appellant~~Appellant must respond in writing to the ~~Presiding Officer~~PDS Advisor as to ~~his or her~~their selection of the type of appeal process within 15 calendar days after the written notice by the ~~Presiding Officer~~PDS Advisor is received. If the ~~appellant~~Appellant does not respond within the timeframe prescribed herein, ~~unless for good cause shown, the appeal process shall default to Presiding Officer shall commence~~ the Expedited Appeal process set forth in Section 4(1)(A).

3. If the ~~appellant~~Appellant elects a ~~hearing~~Hearing on Appeal process, the Presiding Officer shall notify the ~~appellant~~Appellant in writing of the hearing date ~~and provide notice that if the appellant fails to appear at any hearing, the appeal may be deemed to have been abandoned in accordance with Section 7.~~

SECTION 5. ~~PRESIDING OFFICER~~PRESIDING OFFICER.

1. ~~1.~~1. **~~Appointment.~~** The Commission Chair shall appoint a Presiding Officer to perform the duties and exercise the powers set forth in this Chapter. The Presiding Officer must be fair, ~~impartial,~~ ~~unbiased,~~ and able to conduct a fair, ~~efficient and effective~~effective, and efficient appeal process.
2. ~~2.~~2. **~~Who Can-can Serve~~serve.** The Commission Chair may appoint any Commissioner or other qualified person as the Presiding Officer. The fact that the Presiding Officer is a ~~MCILS-PDS~~ rostered attorney does not constitute, by itself, direct or indirect personal or financial interest in an appeal or its outcome.
3. ~~3.~~3. **~~Assignment~~Appointment, Removal, & Replacement**.
 - A. ~~A.~~A.—An appeal will be assigned to a Presiding Officer who has no personal or financial interest, direct or indirect, in the appeal or its outcome, and who has not been involved directly or indirectly in the matter that is the subject of the appeal.
 - B. ~~B.~~B.—If a party files a timely charge of bias, prejudice, or personal or financial interest, either direct or indirect, with the Presiding Officer, the Presiding Officer will promptly determine whether to recuse from the appeal and will include that determination in the record.
 - C. ~~C.~~C.—A Presiding Officer may also independently decide to recuse from the appeal if the Presiding Officer cannot be fair, impartial, and unbiased.
 - D. ~~D.~~D.—When a Presiding Officer decides to recuse or cannot continue, the Commission Chair will assign the appeal to a new Presiding Officer pursuant to this Section. The Presiding Officer will continue the ongoing appeal process, unless the Presiding Officer determines that, ~~in order~~ to avoid substantial prejudice to any party, it is necessary to start the process anew.
4. ~~3.~~3. **~~Duty and powers~~powers of the Presiding Presiding Officer**. The Presiding Officer has the duty to ~~preside over any hearing in a~~ ~~render a~~ fair and impartial ~~manner recommended decision to the Commission~~ in accordance with ~~Section 12~~this Chapter and has all the powers and duties as set forth in 5 ~~M.R.S.~~M.R.S. § 9062. In addition, it is the duty of the Presiding Officer to disclose, upon the request of any party, the substance of the Presiding Officer's communication with the ~~MCILS-PDS~~ Advisor.
5. ~~4.~~4. **~~Recommended Decision of Presiding Officer.~~**

~~a.~~ ~~A.~~ If an ~~appellant~~Appellant requests an Expedited Appeal pursuant to Section 4(1)(A), the Presiding Officer shall issue a recommended decision to the Commission, as set forth in Section ~~10412~~, within ~~a reasonable time period~~30 calendar days of the date on which Appellant elected an expedited appeal.

~~A.~~

B. If an ~~appellant~~Appellant requests a ~~hearing~~Hearing on Appeal pursuant to Section 4(1)(B), the Presiding Officer will conduct a hearing ~~before the full Commission~~ in accordance with the requirements of the Maine Administrative Procedure Act, 5 ~~M.R.S.~~M.R.S. § 9051 *et seq.*, and provide the parties notice of any hearing pursuant to 5 ~~M.R.S.~~M.R.S. § ~~section~~9052. ~~A hearing before the Commission~~Presiding Officer shall be noticed within 30 days of appellant's election of a hearing and shall be scheduled to occur within 90 days of appellant electing a h~~Hearing on Appeal.~~scheduled to occur expeditiously.

SECTION 6. ~~MCILS~~PDS ~~ADVISOR~~ADVISOR.

The ~~MCILS~~PDS Advisor shall:

- ~~1.~~ 1. Upon request of the Presiding Officer, provide information and documents to the Presiding Officer about the operations and administrative procedures of ~~MCILS~~PDS; and
- ~~2.~~ 2. Provide technical and administrative assistance to the Presiding Officer at any hearing ~~or pre-hearing conference.~~

SECTION 7. DEFAULT.

~~1.~~ ~~Failure to appear.~~ If an ~~appellant~~Appellant fails to appear at a hearing, ~~without good cause,~~ the ~~appellant~~Appellant ~~may shall~~ be deemed by the Presiding Officer to have abandoned the appeal. The Presiding Officer shall immediately notify the ~~appellant~~Appellant in writing of the finding of default. If, within ~~15-10~~ calendar days after the issuance of the notice of default, the ~~appellant~~Appellant submits information that demonstrates, in the judgment of the Presiding Officer, that the ~~appellant~~Appellant had good cause for failing to appear, the appeal will be reinstated. If the ~~appellant~~Appellant does not submit such information to the Presiding Officer within the timeframe herein, the ~~appeal will be dismissed, and the~~ decision of the Executive Director will become final agency action.

~~2. **Hearing in the absence of the appellant.** A hearing may be held in the absence of the appellant when the Presiding Officer chooses to proceed with the hearing as an alternative to a default.~~

~~SECTION 8. EVIDENCE~~

- ~~1. **Admissibility.** Evidence shall be admitted if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.~~
- ~~2. **Testimony.** Witnesses may provide testimony orally before the Presiding Officer or in person by deposition, by video, or by a sworn written statement. Parties must ensure that witnesses who provide sworn written statements or testimony are available for cross examination at the hearing, although the cross examination of a witnesses may, at the request of a party, take place at a later date.~~
- ~~3. **Irrelevant or repetitious evidence.** Evidence that is irrelevant or unduly repetitive may be excluded. Evidence that is relevant to the appellant's fitness or qualifications to provide indigent legal services consistent with constitutional, statutory, and ethical provisions or Commission rules is relevant whether the evidence arose prior to the decision appealed from or subsequent to the decision being appealed.~~
- ~~4. **Weight of evidence.** The fact that evidence is admitted shall not limit the authority of the Presiding Officer Commission to determine the weight to be given the evidence.~~
- ~~5. **Hearsay.** Hearsay evidence shall not be excluded simply because of its hearsay nature. The Presiding Officer Commission will, in accordance with law, determine the weight to be given to hearsay evidence.~~
- ~~6. **Rules of privilege.** Rules of privilege as provided in the Maine Rules of Evidence, Article 5, shall be observed.~~
- ~~7. **Stipulation of facts.** When all parties stipulate to a fact, the Presiding Officer may make ~~draft~~ findings of fact on the basis of the stipulation and the Commission shall decide what weight to give the stipulated facts. Signed statements or on the record oral statements by parties are sufficient as stipulations.~~
- ~~8. **Official notice of facts.** The Presiding Officer Commission may take official notice of a fact upon his or her its own initiative or at the request of a party. Official notice may be taken of any fact of which judicial notice could be taken, and in addition, of any general or technical matter within the specialized experience or knowledge of the Presiding Officer Commissioners, and of any statutes, rules and non-confidential public records. The Presiding Officer will notify the parties when official notice is taken and~~

~~shall afford the parties an opportunity to contest the substance or materiality of the material noticed.~~

SECTION ~~98.~~ SUBPOENAS AND DISCOVERY.

~~1. 1.—Request for subpoenas.~~ Any party may request the issuance of a subpoena by presenting the request to the Presiding Officer. The request must contain:

~~A. A.—~~The name and address of the party requesting the subpoena; ~~and~~

~~B. B.—~~The name and address of the person to be subpoenaed, or other place where the person to be subpoenaed may be found; and

~~C. C.—~~A brief statement why the testimony or evidence of the person to be subpoenaed is relevant to an issue of fact in the appeal.

~~2. 2.—Issuance on approval.~~ If the Presiding Officer determines that the request pertains to testimony or evidence relevant to an issue of fact in the appeal, the Presiding Officer must submit the subpoena for approval by the Attorney General or a Deputy Attorney General who is not involved in the appeal.

~~3. Requirements.~~ A subpoena shall comply with the requirements of 5 ~~M.R.~~ SM.R.S. § 9060.

~~4. Pre-hearing discovery.~~ No prehearing discovery is allowed, except that any party may conduct its own investigation and offer evidence it believes is relevant to the issues to be decided regarding the decision on appeal.

~~5. Pre-hearing conference.~~

~~A. If a full hearing under Section 4(1)(B) is elected, then the Presiding Officer shall conduct a pre-hearing conference with the parties and/or their representatives at least 30 calendar days before the hearing date.~~

~~B. —The scope of the prehearing conference will encompass:~~

~~I. A—any evidentiary issues the parties wish to address in advance of the hearing;~~

~~II. T,—the potential for stipulations.;~~

~~III. A—arrangements for remote appearance by witnesses.;~~

IV. The exchange of witness and exhibit lists and exhibits, which must occur at least 14 calendar days in advance of the hearing; ~~at least 7 days in advance of hearing.~~

V. The filing of objections to evidence or witnesses, which must occur at least 7 calendar days in advance of the hearing; and

VI. A good faith estimate of time needed for the hearing.
~~and a good faith estimate of time for the hearing.~~

~~SECTION 10. HEARINGS RECORDED~~

~~1. All hearings will be recorded in a form susceptible for to transcription.~~

~~SECTION 11. DISMISSAL OF APPEAL~~

~~1. At any time before receipt of notice of the Presiding Officer's Commission's recommended decision, the parties may enter into an agreement as to resolution of the issues subject to the appeal. If they reach such an agreement, they shall file with the Presiding Officer a stipulation of dismissal that outlines the agreement reached. Upon receipt, the Presiding Officer shall recommend dismissal to the Commission.~~

~~2. At any time before receipt of notice of the Presiding Officer's recommended Commission's decision, the appellant may withdraw the appeal by written notice to the Presiding Officer. Upon receipt of notice withdrawal of the appeal, the Presiding Officer shall recommend dismissal of the appeal to the Commission.~~

~~3. The Commission must dismiss the appeal if the Presiding Officer recommends dismissal on the grounds set forth in subsection 1 or 2.~~

~~SECTION 12. RECOMMENDED DECISION OF THE PRESIDING OFFICER HEARING.~~

1. **Recording.** All hearings will be recorded in a form susceptible to transcription.

1. The Presiding Officer will preside over a hearing before the Commission pursuant to 5 M.R.S. section 9051, et seq., and will remain impartial and take no part in rendering a decision. The Presiding Officer will have those powers and duties set out in 5 M.R.S. section 9062, including the power to administer oaths, rule on the admissibility of evidence, regulate the course of the proceedings, and otherwise control the procedure of the appeal. A quorum of the voting members of the Commission are required to conduct the hearing. The Commission shall render a decision conforming to 5 M.R.S. section 9061 at the conclusion of the hearing, and it shall limit its consideration and deliberations to the admitted evidence presented

during the hearing, including any stipulations by the parties, together with the record upon which the Executive Director made the decision being appealed.

2. **Public hearing.** The hearing shall be public unless there will be substantial confidential information presented. If there will be substantial confidential information presented, in which case, the Presiding Officer may utilize the provisions of 5 M.R.S. §section 9057(6) to protect the confidentiality of the information, including but not limited to, taking the step of closing portions—, or in a rare case concerning underlying case information from juvenileyouth representation or Title 22 child protection proceedings—, all of the proceeding to the public.

3. **Presiding Officer's powers and duties.** The Presiding Officer will have those powers and duties set out in 5 M.R.S. § 9062, including the power to administer oaths, rule on the admissibility of evidence, regulate the course of the proceedings, issue a recommended decision for consideration by the Commission, and otherwise control the procedure of the appeal from inception through the rendering of a recommended decision to the Commission.

1. ~~Evidence.~~

4. **Evidence.**

A. Evidence shall be admitted if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

B. Witnesses may provide testimony orally before the Presiding Officer or in-person by deposition, by video, or by a sworn written statement. Parties must ensure that witnesses who provide sworn written statements or testimony are available for cross-examination at the hearing, although the cross-examination of a witnesses may, at the request of a party, take place at a later date.

C. Evidence that is irrelevant or unduly repetitive may be excluded. Evidence pertaining to the Appellant's fitness or qualifications to provide indigent legal services consistent with constitutional, statutory, or ethical provisions or Commission rules is relevant, whether the evidence arose prior or subsequent to the decision being appealed.

D. The fact that evidence is admitted shall not limit the authority of the Presiding Officer to determine the weight to be given the evidence.

E. Hearsay evidence shall not be excluded simply because of its hearsay nature. The Presiding Officer will, in accordance with administrative law, determine the weight to be given to hearsay evidence.

F. Rules of privilege as provided in the Maine Rules of Evidence, Article 5, shall be observed.

G. When all parties stipulate to a fact, the Presiding Officer may make draft findings of fact based on the stipulation, and the Commission shall decide what weight to give the stipulated facts. Signed statements or on-the-record oral statements by parties are sufficient as stipulations.

H. The Presiding Officer may take official notice of a fact upon its own initiative or at the request of a party. Official notice may be taken of any fact of which judicial notice could be taken, and of any statutes, rules and non-confidential public records. The Presiding Officer will notify the parties when official notice is taken and shall afford the parties an opportunity to contest the substance or materiality of the material noticed.

SECTION 10. —RECOMMENDED DECISION.

1. **Standard.** In rendering a recommended decision, the Presiding Officer shall afford high deference to the Executive Director's decision and will only recommend that the Executive Director's decision be vacated—in whole or in part—if the Presiding Officer determines that the Executive Director's decision was arbitrary and capricious or constituted an abuse of discretion.

2. **Basis.**

A. Expedited Appeal. If the Appellant has chosen an Expedited Appeal, following review of the documentary record, the Presiding Officer will prepare a recommended decision based on a review of the materials submitted by the Appellant with Appellant's notice of appeal and any materials considered by the Executive Director in rendering a decision, including any materials submitted or relied upon as part of a motion for reconsideration.

B. Hearing on Appeal. The recommended decision following a hearing on appeal must be based **only** on the evidence, filings, argument presented to the Presiding Officer by the Parties, and any statements made by the Parties throughout the appellate process. ~~at that hearing~~

3. **Timing.**

A. In the event of an expedited appeal, the Presiding Officer shall issue a recommended decision within 30 calendar days of the date on which the Appellant elected an expedited appeal.

B. In the event of a hearing on appeal, the Presiding Officer shall issue a recommended decision within 30 calendar days of the close of all evidence and argument.

4. **Contents.** The recommended decision shall comply with 5 M.R.S. § 9061 and include:

- A. A.—A clear statement of the subject(s) of the appeal and of the issue(s) that must be resolved to decide the appeal;
 - B. B.—A list of all evidence considered and upon which the recommended final decision is based;
 - C. C.—Findings of fact reasonably supported by the materials considered, which must be sufficient to apprise the parties of the basis for the recommended decision; and
 - D. D.—A clear statement indicating whether the Presiding Officer concludes the Executive Director’s decision was or was not arbitrary and capricious or constituted an abuse of discretion.
5. **Delivery.** The Presiding Officer will have the PDS Advisor deliver copies of the recommended decision to the parties. The parties will have 10 calendar days from receipt of the recommended decision to submit written responses or objections to the recommended decision. If the Presiding Officer amends the recommended decision based on responses or objections by a party or parties, the Presiding Officer will have the PDS Advisor deliver copies of the final recommended decision to the parties with no further opportunity to respond. The PDS Advisor will then deliver to the Commission the final recommended decision and all written documents in the record to the Commission.

~~Contents. Following the hearing or, if the appellant has chosen an Expedited Appeal following review of the documentary record, the Presiding Officer will prepare a recommended decision, which will include:~~

- ~~A.—A clear statement of the subject(s) of the appeal and of the issue(s) that must be resolved to decide the appeal;~~
- ~~B.—A listing of the date of hearing, place of hearing, and participants at the hearing or, if no hearing was held, the written agreement from the appellant attorney to proceed without a hearing;~~
- ~~C.—A listing of all evidence admitted and upon which the recommended final decision is based;~~
- ~~D.—Findings of fact, which must be sufficient to apprise the parties of the basis for the recommended decision;~~
- ~~E.—A clear statement of result resolving all issues under consideration;~~
- ~~F.—A clear explanation of the reasoning underlying the result, including references to applicable law, procedures, and rules.~~

~~2.——Comments, modification, and delivery to the Commission~~

~~A.——The Presiding Officer will send a copy of the recommended decision to each of the parties for comment. A may submit comments regarding the recommended decision, which must be in writing and must be filed with the Presiding Officer within 10 days of receipt of the Presiding Officer's recommended decision.~~

~~B.——The Presiding Officer may, but is not required to, modify the recommended decision in response to the parties' comments. If in the judgment of the Presiding Officer the previously issued recommended decision should be substantially modified, the Presiding Officer will send the recommended decision as modified to the parties for further comment, as provided in subparagraph A.~~

~~C.——The Presiding Officer will deliver copies of the recommended decision, as originally prepared and as modified, to the Commission. The Presiding Officer will deliver the written comments made by the parties with the recommended decision. When the recommended decision is not modified, the Presiding Officer will also deliver to the Commission its written response to the parties' written comments.~~

SECTION ~~1311~~.——ACTION BY THE COMMISSION.

~~1.——Commission Consideration. At the conclusion of the hearing by the Presiding Officer, the Commission shall consider the evidence before it and deliberate its decision. Such deliberations shall not be public but shall take place in executive session pursuant to 4 M.R.S. section 1806(2)(F) and 1 M.R.S. section 405(6)(E),(F). A quorum of the Commission will consider the Presiding Officer's recommended decision on a timely basis.~~

~~1. A quorum of the voting members of the Commission will consider the Presiding Officer's recommended decision at the next regularly scheduled Commission meeting, unless the next regularly scheduled Commission meeting is set to occur less than 14 calendar days after the Presiding Officer's recommended decision issues, in which case, the recommended decision will be considered at the following Commission meeting. No additional evidence, testimony, or argument will be heard.~~

~~2. 2.-If requested by the Commission, the Presiding Officer may be present to assist the Commission. If the Presiding Officer appointed by the Commission Chair is a Commissioner, that Commissioner shall recuse from voting on Commission action on the recommended decision.~~

~~3. 3.-After considering the recommended decision, a quorum of the voting members of the Commission shall vote as to whether the decision of the Executive Director was arbitrary and capricious or constituted an abuse of discretion.~~

A. If a majority of the Commission votes that the decision of the Executive Director was either arbitrary and capricious or constituted an abuse of discretion, then the Executive Director's decision shall be vacated.

B. If a majority of the Commission (or the vote is equally split) votes that the Executive Director's decision was neither an abuse of discretion nor arbitrary and capricious, —the Commission shall uphold the Executive Director's decision

4. —4.—A decision as adopted by the Commission pursuant to this Section is the final administrative decision in the appeal and constitutes final agency action.

~~2.—**Recommended decision and record.** In advance of consideration, a copy of the Presiding Officer's recommended decision must be sent to each Commissioner, with parties' comments as provided in Section 12.~~

~~3.—**Presiding Officer.** If requested by the Commission, the Presiding Officer may be present to assist the Commission. If the Presiding Officer appointed by the Commission Chair is a Commissioner, that Commissioner shall recuse from consideration of or voting on Commission action on the recommended decision.~~

~~24.—**Action after consideration.** After considering the recommended final decisionevidence before it, the Commission shall exit executive session, and a quorum of the voting members of the Commission shall vote as to whether the decision of the Executive Director is arbitrary and capricious or constitutes an abuse of discretion.~~

~~If a majority of the Commission votes that the decision of the Executive Director is either arbitrary and capricious or constitutes abuse of discretion, then the Executive Director's decision shall be vacated.~~

~~If it is the vote of a majority of the Commission (or the vote is equally split) that the Executive Director's decision is neither an abuse of discretion nor arbitrary and capricious:~~

~~—the Commission shall uphold the Executive Director's decision; or~~

~~ii. —if a majority of the Commission determines that circumstances have materially changed since the Executive Director's decision was made such that the grounds cited therein for suspension have been ameliorated, the Commission may modify the original suspension decision and restore appellant to roster eligibility with appropriate conditions.: The Commission may seek PDS staff recommendations on appropriate conditions.~~

~~A.—Adopt the Presiding Officer's recommended decision as delivered;~~

~~B.—Modify the Presiding Officer's recommended decision;~~

~~C.—Send the matter back to the Presiding Officer for the taking of further evidence or for additional consideration of issues, as set forth by the Commission; or~~

~~D.—Reject the Presiding Officer's recommended decision in whole or in part and decide the appeal itself on the basis of the existing record.~~

~~5. A decision as adopted by the Commission pursuant to this Section is the final administrative decision in the appeal and constitutes final agency action.~~

~~6. If the vote of the Commission to accept or not accept the Presiding Officer's recommended decision is evenly divided, the decision of the Executive Director is affirmed.~~

SECTION 14. EXPEDITED APPEAL

~~1. **Recommended decision.** If the appellant has chosen an Expedited Appeal following review of the documentary record, the Presiding Officer will prepare a recommended decision based on a review of the materials submitted by the appellant with appellant's notice of appeal and any materials considered by the Executive Director in rendering a decision, including any materials submitted or relied upon as part of a motion for reconsideration. The Presiding Officer shall use an arbitrary and capricious standard of review in analyzing these materials and the Executive Director's decision. The recommended decision shall include:~~

~~A. A clear statement of the subject(s) of the appeal and of the issue(s) that must be resolved to decide the appeal;~~

~~B. A listing of all evidence considered and upon which the recommended final decision is based;~~

~~C. Findings of fact reasonably supported by the materials considered, which must be sufficient to apprise the parties of the basis for the recommended decision;~~

~~D. A clear statement indicating whether the Presiding Officer concludes the Executive Director's decision was or was not arbitrary and capricious;~~

~~E. A clear explanation of the reasoning underlying the result, including references to applicable law, procedures, and rules.~~

~~F. The Presiding Officer will have the PDS Advisor deliver copies of the recommended decision to the Commission.~~

~~2. **Commission Action.** A quorum of the Commission will consider the Presiding Officer's recommended decision at the next regularly scheduled Commission meeting, unless the next regularly scheduled Commission meeting is set to occur less than 14 days after the Presiding Officer's recommended decision issues, in which case, the recommended decision will be considered at the following Commission meeting. No additional evidence or testimony or argument will be heard on the expedited appeal from any party or witness.~~

~~A. In advance of consideration, a copy of the Presiding Officer's recommended decision must be sent to each Commissioner, along with all the materials the Presiding Officer utilized in reaching the recommended decision.~~

~~_____ B. _____ If requested by the Commission, the Presiding Officer may be present to assist the Commission. If the Presiding Officer appointed by the Commission Chair is a Commissioner, that Commissioner shall recuse from voting on Commission action on the recommended decision.~~

~~_____ After considering the recommended final decision, and the materials utilized by the Presiding Officer in reaching the recommended decision, a quorum of the Commission shall:~~

~~_____ Adopt the Presiding Officer's recommended decision as delivered;~~

~~_____ 2. _____ Send the matter back to the Presiding Officer for additional consideration of issues set forth by the Commission; or~~

~~_____ 3. _____ Reject the Presiding Officer's recommended decision and proceed to a full hearing under Section 4(1)(B).~~

~~_____ 3. _____ A decision as adopted by the Commission pursuant to this Section, except under Section 14(2)(C)(3) is the final administrative decision in the appeal and constitutes final agency action.~~

~~_____ 6. _____ If the vote of the Commission to accept or not accept the Presiding Officer's recommended decision is evenly divided, the decision of the Executive Director is affirmed.~~

SECTION 12. _____ DISMISSAL OF APPEAL.

~~1. _____ 1. _____ At any time before receipt of notice of the Presiding Officer's recommended decision, the parties may enter into an agreement as to resolution of the issues subject to the appeal. If they reach such an agreement, they shall file with the Presiding Officer a stipulation of dismissal that outlines the agreement reached. Upon receipt, the Presiding Officer shall recommend dismissal to the Commission.~~

~~2. _____ 2. _____ At any time before receipt of notice of the Presiding Officer's recommended decision, the Appellant may withdraw the appeal by written notice to the Presiding Officer. Upon receipt of notice withdrawal of the appeal, the Presiding Officer shall recommend dismissal of the appeal to the Commission.~~

~~3. _____ 3. _____ The Commission must dismiss the appeal if the Presiding Officer recommends dismissal on the grounds set forth in subsections 1 or 2.~~

STATUTORY AUTHORITY: 4 ~~M.R.S.~~ M.R.S. §§ 1804(3)(J) and (4)(D)

EFFECTIVE DATE:

August 21, 2011 – filing 2011-282