Maine Commission on Public Defense Services

July 21, 2026

Commissioner's Meeting Packet

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

JULY 21, 2026
MEETING AGENDA

1) Rulemaking Public Hearing / Chapter 6
2) Approval of June 16, 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 – supplemental budget positions
    c. Audit discussion
    d. Employed caseload and evaluation standards
5) Update from District Defenders
6) FY27 supplemental and FY28/29 biennial budget discussion
7) Rulemaking discussion
    a. Chapter 9 (formerly 401) – Indigency Guidelines
    b. Chapter 301 – Fee Rule
8) Set Date, Time and Location of Next Regular Meeting of the Commission
9) Public Comment

94-649 MAINE COMMISSION ON ~~INDIGENT LEGAL~~PUBLIC DEFENSE SERVICES

Chapter 6~~201~~: 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 Legal~~Public Defense Services.

3. ~~3.~~ Executive Director. "Executive Director" means the Executive Director of the Maine Commission on ~~Indigent Legal~~Public Defense Services or the ~~Executive Director's~~ ir decision-making designee.

4. ~~4.~~ File or Fileding. "File" or "F~~f~~iled" 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 Clerk~~Advisor~~. "~~MCILS~~ PDS Clerk~~Advisor~~" means a ~~MCILS~~ PDS staff member designated by the Commission Chair to act as an administrative role to support the Presiding Officer in discharging their duties~~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 proceeding~~s~~ 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).

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~~s~~ection.

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~~f~~ile a written s~~S~~tatement 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~~f~~iled~~"~~ 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~~S~~tatement

of a~~A~~ppeal 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 sh~~all~~ould 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 appealWithin 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 ~~1~~7~~0~~ calendar days of receiving notice of a~~ppointment~~ssignment 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~~is ~~deemed to have been abandoned in accordance with Section 7.~~.

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

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.~~ **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.~~ **~~Assignment~~Appointment,~~:~~ ~~Removal~~removal,~~:~~ & ~~Replacement~~replacement.**

   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.~~ 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.~~ A Presiding Officer may also independently decide to recuse from the appeal if the Presiding Officer cannot be fair, impartial, and unbiased.

   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.~~ **Duty and ~~powers~~ powers of the ~~Presiding~~ Presiding ~~Officer~~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.~~ **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 10~~412~~, 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.~~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 hHearing on Appeal.~~ scheduled to occur expeditiously.

SECTION 6. ~~MCILS~~ PDS ~~ADVISOR~~CLERK~~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, including ensuring that all events are recorded in a form susceptible to transcription.~~.~~

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 OfficerCommission 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 OfficerCommission 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 drafta 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 OfficerCommission may take official notice of a fact upon his or herits 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 OfficerCommissioners, 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 ~~9~~8. 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.S~~M.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~~-a~~ny evidentiary issues the parties wish to address in advance of the hearing;

      II. T~~, t~~he potential for stipulations~~,~~;

      III. A~~a~~rrangements for remote appearance by witnesses~~,~~;

IV. T~~t~~he 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 ~~1~~9~~2~~. ~~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.~~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 ~~juvenile~~youth representation or T~~t~~itle 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. Rulings on evidence are pursuant to 5 MRS § 9057.

   C. 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.

   D. 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.

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

   F. 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.

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

H. 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.

I. 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 ~~13~~11. 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

Maine Commission on Public Defense Services
Commissioners Meeting June 16, 2026

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

PDS Staff Present: Frayla Tarpinian (Executive Director), Ellie Maciag (Deputy Executive Director), Toby Jandreau (District Defender).

Agenda Item	Discussion / Outcome
Executive Session	Motion by Commissioner Alexander to enter executive session pursuant to 1 M.R.S. Section 4056(E) to discuss ongoing pending litigation. Seconded by Chair Tardy. All voted in favor.
Operations Report	**Operations Report:** • Paid hours are on track to reach a new high of approximately 325,000 for the year. • While the total amount paid year-to-date is up, new cases have decreased by 6.7%. Voucher submissions remain high, though the average price per voucher has dropped by 9.2%. **Staffing:** • Eight new positions funded in the supplemental budget are expected to be posted at the end of July once the positions are created in the Budget/HR systems. • The attorney roster has nearly 400 members. • There were 44 new applicants in the last calendar year, in addition to several former attorneys returning to the roster. **Intern/New Attorney Training** • Executive Director Tarpinian proposed to waive the mandatory 16-hour video series for new attorneys who completed an intensive, two-week hybrid training program in Portland in conjunction with Maine Indigent Defense Center, which included over 1,000 pages of reading and experiential practice. • No objection from commissioners. • This is the beginning of overhauling standards for how practitioners will qualify for specialized panels. **Pre-Petition Pilot Program Update** • The Pre-Petition Pilot Program with MaineMOM in Portland has seen 14 referrals. In one successful case, an attorney's involvement led to a baby being returned to the parents at the summary preliminary hearing. • Early relationships are being established with pregnant parents that will hopefully divert cases from the system entirely. **Title IV-E Funding** • A contract to secure independent federal funding for parental defense is nearly complete and expected by the end of June. This will allow

	Maine to use federal reimbursements for representation costs rather than relying solely on general fund appropriations.
	• Commissioner Kilgore: It does not reimburse everything but any money that we can contribute to the system is helpful.
	Weapon Restriction Orders and Involuntary Commitment Cases
	• Commission staff is working with the Judicial Branch on a Memorandum of Understanding to take over payment and the funding appropriation for involuntary commitment and weapons restriction cases.
	Audit Discussion
	• An internal audit of high-billing attorneys identified poor timekeeping, including shredding or deleting records and delayed time entry.
	• PDS has also found unrealistically high daily hours (some exceeding 12 billable hours a day) and billing for many days out of the year, for example, billing close to 364 days a year.
	• Some attorneys were found to be using 0.1 hourly increments for individual text messages rather than aggregating them, causing a 30-minute conversation to be billed as over an hour.
	• Another issue that has been discovered is pre-entering time for future court dates.
	• Proposed solutions under consideration include:
	  o Requiring more specific requirements around time keeping documentation.
	  o Look at caseload waiver process. Issuing these waivers can result in attorneys having too many cases on their caseloads and therefore are unable to maintain appropriate timekeeping.
	  o Institute a maximum annual billable hour limit.
	  o Ban on future-dated entries.
	  o Switching to a minute-based billing system.
	  o Requiring entry of time by day rather than by client.
	• The next step is a draft rule for Chapter 301 to be reviewed by the Commission.
	Caseload Evaluation Standards
	• The Executive Director is drafting a rule to implement caseload evaluation standards that rely on managerial oversight and flexibility for complex cases (like murders or mentally ill clients) rather than rigid, hard numbers.
	• Commissioner Kilgore: What is the intersection of having a hard number for caseloads and confidentiality for employees.
	• Commissioner Alexander: Likes the flexibility approach as it allows for decisions to be made concerning an individual attorney's capacity taking into current caseloads and case types.
	• Commissioner Jordan believes the following information would be helpful to have for the next legislative session:

	o The felony to misdemeanor ratio in all of the offices. o The number of clients who are enrolled in a specialty docket. o Travel considerations. o Percentage of cases in the region that have either a full-time public defender or assigned counsel.
Daily Arraignment Request	• Request for Five-Day-A-Week Arraignments: Commissioner Bates and Robert Ruffner proposed returning to a five-day-a-week in-custody arraignments to prevent individuals from staying in jail longer than necessary, especially those arrested on erroneous or outdated warrants. • The current arraignment court schedules can result in individuals being held in custody for longer than necessary. It was noted that missing even one day of court can be "horrific" and "life-altering" for individuals in custody. • In most Maine jurisdictions, arraignments currently occur on a Monday, Wednesday, and Friday schedule. In smaller jurisdictions, they are held only as needed. • Executive Director Tarpinian is requesting guidance from the Commission as to how and if they would like for her address this. o Commissioner Alexander: Suggested that the courts could have more court time following weekends and have the option of remote hearings for all points around the state to use at the end of the week. o Commissioner Kilgore: Explained that there is a need for more court time across case types noting that some Protective Custody cases remain almost entirely remote and suffer from significant delays. Commissioner Kilgore noted that this could be a point of partnership with the Judicial Branch in asking the Legislature for more money to increase court staff. • The Judiciary has cited a lack of court officers, clerks, and marshals—rather than a lack of judges—as the primary barrier to holding more frequent court sessions. • The Commission discussed partnering with the judiciary to request a "rising tide" of funding from the legislature for more court time and staff, which would benefit both criminal defendants and those in the Protective Custody world who also face significant hearing delays. • Executive Director Tarpinian agreed to include the suggestion for daily arraignments in the Commission's annual report and to reach out to judicial partners ahead of the next legislative session.
District Defender Update	• The District Defenders submitted a written report to the Commission detailing current operations. • A major theme of the update was the high volume of cases being dismissed. • District Defender Jandreau specifically highlighted a trend of last-minute dismissals occurring just before trials.

	- The office has been encountering significant problems related to discovery in their cases. - To illustrate the trend, District Defender Jandreau noted that a case scheduled for a jury trial the following Monday was dismissed during the meeting itself. In that specific instance, the client had been on bail for eight months before the dismissal occurred three days before the trial. - Despite these procedural challenges, District Defender Jandreau stated that the office is feeling pretty good and moving in a positive direction. - The Commission expressed appreciation for the work being done and noted that things seem to be improving.
Biennial Budget Discussion	- Executive Director Tarpinian intends to submit a comprehensive request for "everything and the kitchen sink". The strategy is that if an item isn't requested now, it cannot be advocated for later in the process. - Chair Tardy emphasized the importance of preparing for the transition following the November elections. He noted the need to be nimble and cooperative with the framework of whatever new administration takes office. - Timeline for Submission: - A formal proposal will be presented to the Commission for a vote at the July meeting. - The final budget must be submitted to the budget office (DAFS) by August. - Commissioner Jordan advised finding a balance between being optimistic and realistic, recalling past experiences where "fancy wish lists" were dismissed during economic recessions. She also suggested that the Commission monitor the status of the state's "rainy day fund" just before submission, as a sudden change in those funds might require an adjustment to the budget proposal. - Executive Director Tarpinian: The plan is to provide a clear narrative for every request (covering specific offices, units, and central staff). These narratives will explicitly state what a position will "purchase" and what the Commission will be unable to move forward with if the funding is denied.
Rule Change: Appeals Process	The Commission reviewed a rule to overhaul the appellate process for executive director decisions to ensure better due process. Commissioner Jordan made a motion to put it out for public comment. Commissioner O'Connor seconded. A motion passed to put the rule out for public comment.
Approval of Minutes	Chair Tardy made a motion to approve May 19th, 2026 minutes. Commissioner Alexander seconded. All voted in-favor.
Public Comment	Attorney Robert Ruffner:

	- He thanked Emily Hagler and Betsy Boardman for collaborating on the inaugural training program for student attorneys, new attorneys, and interns held in Portland. - Attorney Ruffner restated Commissioner Kilgore's earlier points, advocating for in-custody arraignments to return to a five-day-a-week schedule and partnering with the judicial branch to get the necessary funding through the legislature. - He noted that he is working with students to collect and share daily stories of individuals whose lives were negatively impacted because they were unable to be released from custody a day earlier due to the current court schedule. - As a frequent Lawyer of the Day, Attorney Ruffner expressed extreme frustration with courts that refuse to assign an attorney until a physical paper affidavit is processed, even when he makes an oral request for assignment. - Attorney Ruffner proposed that for individuals in custody, indigency should be presumed in the absence of evidence to the contrary. He argued that the court should begin the appointment process immediately based on indicators like MaineCare enrollment or food stamp eligibility, rather than waiting for formal paperwork. - Attorney Ruffner highlighted that spending his time traveling to jails specifically to help inmates fill out affidavits to avoid court delays is a poor use of resources and an unnecessary roadblock in the legal process.
Adjournment	Next meeting scheduled for July 21, 2026, at 3:00 PM

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

June 2026 Operations Report

- 2,338 new cases were opened in the defenderData system. This was a 244 case increase from May. Year to date, new cases are down by 6.7% from last year, from 29,414 at this time last year to 27,424 this year.

- The number of vouchers submitted electronically was 4,451, an increase of 4 vouchers from May, totaling $4,231,961, an increase of $105,454 from May. Year to date, the number of submitted vouchers is up by 15.9% from 45,686 at this time last year to 52,979 this year, with the total amount for submitted vouchers up 5.8%, from $46,936,345 at this time last year to $49,696,638 this year.

- We paid 4,106 electronic vouchers totaling $3,950,708 representing a decrease of 94 vouchers and an increase of $239,697 compared to May. Year to date, the number of paid vouchers is up 17.7%, from 44,561 vouchers at this time last year to 52,456 this year, and the total amount paid is up 7.7%, from $45,697,154 this time last year to $49,238,442 this year.

- The average price per voucher was $962.18, up $78.61 per voucher from May. Year to date, the average price per voucher is down 8.4%, from $1,025.50 at this time last year to $938.66 this year.

- Petition for Discharge or Release and 5th Amendment Counsel had the highest average voucher total. There were 20 vouchers exceeding $10,000 paid in June. See attached addendum for details.

- We issued 165 authorizations to expend funds: 67 Private investigators, 78 for experts, and 20 for miscellaneous services such as interpreters, transcriptionists, polygraph exams, and paralegals. We paid $325,594 for experts and investigators, etc. One was denied.

- There was one attorney suspension.

- In the All Other Account, the total expenses were $4,357,481. Approximately $83,473 was devoted to the Commission's operating expenses.

- In the Personal Services Accounts, we had $813,369 in expenses.

- There was no monthly transfer from the Judicial Branch for counsel fee payments.

- As of July 13, 2026, there are 183 rostered attorneys of which 119 are available for trial court level work.

- Paid hours are up 6.4% over last year. June 2026 paid hours are flat over June 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	20562	24935	26572	325,817

Vouchers over $10,000 - June 2026

Comment	Voucher Total	Case Total
Homicide	$158,624.38	$158,624.38
Homicide	$38,884.06	$82,390.94
Homicide	$32,085.00	$92,588.47
Homicide	$25,191.41	$32,226.41
Homicide	$24,975.00	$92,588.47
Homicide	$21,450.00	$35,700.02
Appeal	$18,930.00	$20,955.00
Homicide	$17,580.00	$23,640.00
Obstructing Government Administration/Refusing to Submit	$16,576.04	$16,576.04
Homicide	$14,700.00	$75,160.00
Child Protection	$12,345.00	$12,345.00
Child Protection	$11,880.00	$11,880.00
Probation Violation	$11,730.00	$11,730.00
Gross Sexual Assault	$11,622.00	$11,622.00
Aggravated Trafficking	$10,755.00	$10,755.00
Gross Sexual Assault	$10,620.00	$10,620.00
Homicide	$10,560.00	$15,420.00
Homicide	$10,305.45	$31,380.36
Youth / Reckless Conduct - Bindover	$10,146.00	$30,183.36
Criminal Attempt	$10,004.50	$16,948.50

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

6/30/2026

DefenderData Case Type	Jun-26 New Cases	Jun-26 Vouchers Submitted	Jun-26 Submitted Amount	Jun-26 Vouchers Paid	Jun-26 Approved Amount	Jun-26 Average Amount	FY 2026 Cases Opened	FY 2026 Vouchers Paid	FY 2026 Amount Paid	FY 2026 Average Amount
Appeal	16	49	$97,181.68	55	$ 92,053.16	$1,673.69	205	658	$ 1,283,062.83	$1,949.94
Central Office Resource Counsel	1	2	$600.05	2	$ 1,020.00	$510.00	1	27	$ 17,505.00	$648.33
Child Protection Petition	87	593	$700,129.78	564	$ 615,200.80	$1,090.78	1,534	7,527	$ 8,959,575.27	$1,190.32
Drug Court	4	17	$30,501.34	16	$ 29,906.92	$1,869.18	66	220	$ 477,693.18	$2,171.33
Emancipation	12	8	$3,957.84	3	$ 5,359.58	$1,786.53	71	94	$ 69,180.53	$735.96
Felony	620	1,430	$1,773,908.08	1,385	$ 1,715,194.83	$1,238.41	7,170	17,222	$ 19,068,657.44	$1,107.23
Involuntary Civil Commitment	0	4	$1,948.32	2	$ 675.00	$337.50	221	395	$ 252,123.17	$638.29
Juvenile	72	181	$192,941.60	163	$ 172,457.76	$1,058.02	1,185	1,935	$ 1,922,654.39	$993.62
Lawyer of the Day - Custody	304	313	$221,854.61	271	$ 189,492.79	$699.24	3,423	3,307	$ 2,227,062.74	$673.44
Lawyer of the Day - Juvenile	2	1	$450.00	1	$ 450.00	$450.00	28	27	$ 12,060.00	$446.67
Lawyer of the Day - Walk-in	138	151	$91,420.77	127	$ 80,094.45	$630.66	1,517	1,484	$ 969,732.74	$653.46
PDS Provided Training	114	102	$27,591.92	19	$ 14,299.45	$752.60	855	724	$ 850,380.65	$1,174.56
Misdemeanor	810	1,331	$874,063.55	1,243	$ 834,052.09	$671.00	9,130	15,158	$ 10,273,214.26	$677.74
Petition, Modified Release Treatment	2	4	$7,430.20	3	$ 2,888.00	$962.67	14	43	$ 52,263.44	$1,215.43
Petition, Release or Discharge	0	1	$1,942.28	1	$ 1,942.28	$1,942.28	0	5	$ 21,563.45	$4,312.69
Petition,Termination of Parental Rights	0	1	$766.00	0			0	12	$ 58,913.25	$4,909.44
Post Conviction Review	3	29	$19,105.23	28	$ 23,397.51	$835.63	45	354	$ 468,092.61	$1,322.30
Probate	5	1	$975.00	1	$ 795.00	$795.00	12	28	$ 27,340.74	$976.46
Probation Violation	146	207	$169,536.37	205	$ 162,168.34	$791.07	1,772	2,736	$ 1,859,296.42	$679.57
Represent Witness on 5th Amendment	2	3	$4,028.24	1	$ 3,083.12	$3,083.12	20	16	$ 14,984.18	$936.51
Resource Counsel Criminal	0	2	$1,485.00	2	$ 1,005.00	$502.50	5	54	$ 37,993.30	$703.58
Resource Counsel Juvenile	0	2	$6,499.00	2	$ 141.00	$70.50	2	15	$ 6,038.76	$402.58
Resource Counsel Mental Health	0	1	$75.00	0			2	2	$ 285.00	$142.50
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	1	$105.00	2	$ 855.00	$427.50	0	18	$ 17,055.00	$947.50
Review of Child Protection Order	0	4	$1,800.00	2	$ 615.00	$307.50	0	82	$ 136,639.66	$1,666.34
Revocation of Administrative Release	0	0		2	$ 2,766.88	$1,383.44	4	14	$ 8,160.98	$582.93
Weapons Restrictions Case	0	13	$1,665.00	6	$ 795.00	$132.50	142	299	$ 146,913.69	$491.35
TOTAL	**2,338**	**4,451**	**$4,231,961.86**	**4,106**	**$ 3,950,708.96**	**$962.18**	**27,424**	**52,456**	**$ 49,238,442.68**	**$938.66**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

6/30/2026

	Jun-26						Fiscal Year 2026			
Court	**New Cases**	**Vouchers Submitted**	**Submitted Amount**	**Vouchers Paid**	**Approved Amount**	**Average Amount**	**Cases Opened**	**Vouchers Paid**	**Amount Paid**	**Average Amount**
ALFSC	2	3	$4,151.24	2	$ 1,225.50	$612.75	26	18	$19,390.50	$1,077.25
AUBSC	1	3	$2,590.40	0			13	47	$42,977.83	$914.42
AUGDC	20	56	$62,891.41	54	$ 66,008.83	$1,222.39	261	589	$1,031,604.51	$1,751.45
AUGSC	3	5	$8,442.53	5	$ 5,003.78	$1,000.76	18	51	$71,629.37	$1,404.50
BANDC	12	101	$93,004.95	98	$ 86,731.95	$885.02	388	1,055	$986,822.83	$935.38
BANSC	0	0		1	$ 1,065.00	$1,065.00	12	23	$84,598.63	$3,678.20
BATSC	0	0		0			1	3	$1,890.00	$630.00
BELDC	8	20	$18,752.27	17	$ 16,431.16	$966.54	104	306	$432,223.92	$1,412.50
BELSC	0	2	$195.00	2	$ 195.00	$97.50	2	5	$1,335.00	$267.00
BIDDC	23	111	$122,950.92	111	$ 126,265.59	$1,137.53	421	1,394	$1,303,361.13	$934.98
BRIDC	5	16	$32,982.20	23	$ 37,413.04	$1,626.65	101	267	$342,527.57	$1,282.87
CALDC	4	7	$5,294.68	6	$ 3,599.68	$599.95	36	103	$74,308.01	$721.44
CARDC	6	24	$20,415.90	26	$ 17,213.06	$662.04	52	248	$215,683.74	$869.69
CARSC	1	0		0			4	8	$7,995.00	$999.38
DOVDC	1	7	$9,075.68	4	$ 3,285.00	$821.25	31	101	$100,856.92	$998.58
DOVSC	0	0		0			1	3	$2,075.70	$691.90
ELLDC	11	61	$45,242.90	57	$ 42,444.22	$744.64	113	573	$487,907.94	$851.50
ELLSC	0	0		0			0	1	$322.50	$322.50
FARDC	1	17	$13,493.20	18	$ 12,086.88	$671.49	121	338	$343,571.41	$1,016.48
FARSC	0	2	$1,464.08	2	$ 1,407.08	$ 703.54	5	5	$3,859.73	$771.95
FORDC	2	9	$6,465.00	7	$ 4,080.00	$582.86	18	107	$85,444.20	$798.54
HOUDC	1	11	$9,180.00	10	$ 15,270.00	$1,527.00	49	198	$188,809.13	$953.58
HOUSC	0	0		0			0	0		
LEWDC	26	151	$165,198.27	114	$ 97,657.05	$856.64	580	1,544	$1,789,798.16	$1,159.20
LINDC	4	3	$9,176.00	8	$ 11,430.28	$1,428.79	55	141	$153,525.02	$1,088.83
MACDC	2	10	$12,870.44	7	$ 5,094.12	$727.73	18	91	$78,607.98	$863.82
MACSC	0	1	$4,755.00	1	$ 3,666.25	$3,666.25	3	4	$14,129.47	$3,532.37
MADDC	0	0		0			0	7	$34,468.37	$4,924.05
MILDC	0	0		0			9	10	$14,140.36	$1,414.04
NEWDC	8	33	$33,677.94	28	$ 26,856.66	$959.17	105	281	$215,126.69	$765.58
PORDC	45	114	$136,731.14	101	$ 121,640.45	$1,204.36	436	1,516	$1,427,696.41	$941.75
PORSC	0	5	$1,365.00	5	$ 1,365.00	$273.00	12	34	$18,630.76	$547.96
PREDC	6	13	$7,455.00	15	$ 9,210.00	$614.00	66	224	$205,760.29	$918.57
ROCDC	4	15	$16,311.16	13	$ 15,617.26	$1,201.33	78	230	$303,178.84	$1,318.17
ROCSC	0	3	$3,629.40	2	$ 285.00	$142.50	8	8	$9,119.02	$1,139.88
RUMDC	0	25	$17,456.10	28	$ 24,663.24	$880.83	68	342	$393,738.38	$1,151.28
SKODC	9	48	$51,978.16	50	$ 55,686.99	$1,113.74	221	626	$840,736.84	$1,343.03
SKOSC	1	2	$1,050.00	2	$ 1,050.00	$525.00	5	6	$5,465.72	$910.95
SOUDC	5	13	$11,560.76	14	$ 16,205.13	$1,157.51	84	289	$255,057.00	$882.55
SOUSC	0	2	$1,065.00	3	$ 1,713.75	$571.25	8	13	$94,605.17	$7,277.32
SPRDC	2	2	$2,250.00	3	$ 2,880.00	$960.00	27	45	$41,137.50	$914.17
Law Ct	15	47	$96,116.68	52	$ 89,923.16	$1,729.29	194	597	$1,211,834.63	$2,029.87
Training	110	101	$28,221.92	23	$ 13,221.24	$574.84	845	770	$886,035.22	$1,150.70
YORCD	298	542	$650,243.09	496	$ 562,969.27	$1,135.02	3,153	5,617	$5,185,342.05	$923.15
AROCD	77	213	$164,440.87	176	$ 136,186.09	$773.78	1,395	2,579	$1,922,987.65	$745.63
ANDCD	145	330	$239,897.07	271	$ 214,685.20	$792.20	1,984	4,754	$3,396,521.69	$714.46
KENCD	184	279	$209,867.51	277	$ 205,059.45	$740.29	1,995	2,951	$2,558,226.30	$866.90
PENCD	221	314	$352,040.97	276	$ 327,730.28	$1,187.43	2,377	4,282	$3,835,034.18	$895.62
SAGCD	38	60	$38,071.20	65	$ 48,381.02	$744.32	484	842	$704,471.21	$836.66
WALCD	60	101	$90,376.70	94	$ 72,158.76	$767.65	780	1,070	$959,372.53	$896.61
PISCD	30	28	$21,467.50	17	$ 15,742.80	$926.05	207	244	$271,301.52	$1,111.89
HANCD	64	57	$45,285.95	50	$ 44,519.90	$890.40	597	740	$630,798.60	$852.43
FRACD	34	49	$38,820.24	55	$ 52,715.23	$958.46	427	636	$608,095.54	$956.13
WASCD	30	65	$58,258.22	40	$ 37,982.01	$949.55	511	671	$737,238.13	$1,098.72
CUMCD	462	777	$773,178.12	766	$ 823,295.64	$1,074.80	4,818	9,284	$8,595,494.55	$925.84
KNOCD	68	130	$96,994.96	131	$ 110,072.46	$840.25	846	1,150	$1,297,897.07	$1,128.61
SOMCD	127	148	$115,648.64	163	$ 128,431.46	$787.92	1,148	1,409	$1,249,181.12	$886.57
OXFCD	84	154	$140,578.21	147	$ 84,783.92	$576.76	1,043	2,130	$1,668,204.31	$783.19
LINCD	36	62	$50,289.18	87	$ 77,341.84	$888.99	504	796	$749,196.55	$941.20
WATDC	17	29	$25,039.66	29	$ 30,085.86	$1,037.44	173	354	$402,320.83	$1,136.50
WESDC	6	29	$40,449.90	18	$ 16,025.46	$890.30	173	393	$385,886.88	$981.90
WISDC	1	2	$300.00	2	$ 2,903.96	$1,451.98	11	104	$123,266.52	$1,185.26
WISSC	0	0		0			3	2	$3,331.80	$1,665.90
YORDC	4	17	$10,889.54	16	$ 10,284.64	$642.79	50	109	$60,582.94	$555.81
TOTAL	**2,338**	**4,451**	**$4,231,961.86**	**4,106**	**$3,950,708.96**	**$962.18**	**27,424**	**52,456**	**$49,238,442.68**	**$938.66**

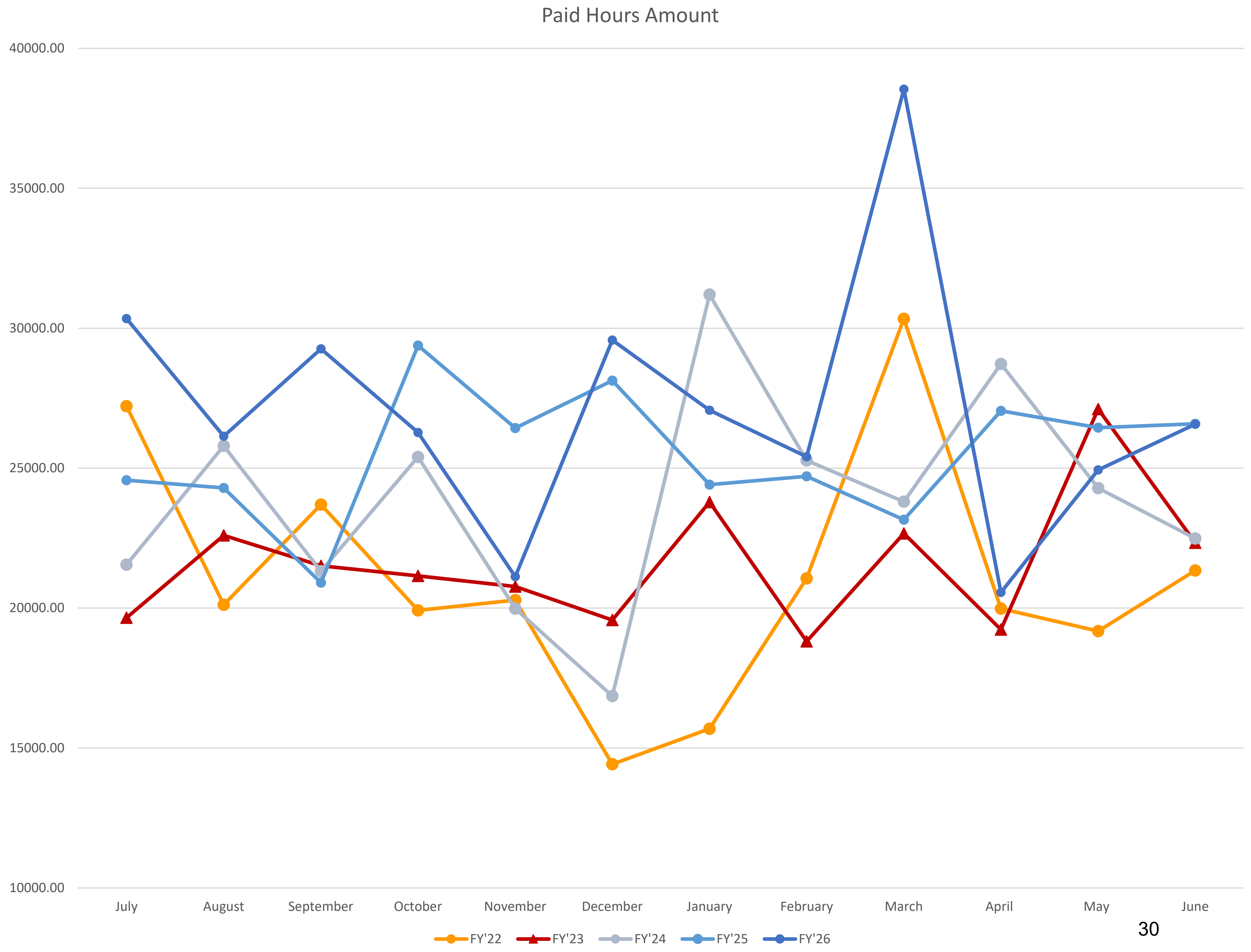
STATEMENT OF ALLOTMENTS/BUDGET
Maine Commission of Indigent Legal Services
FY26 As of 06/30/2026

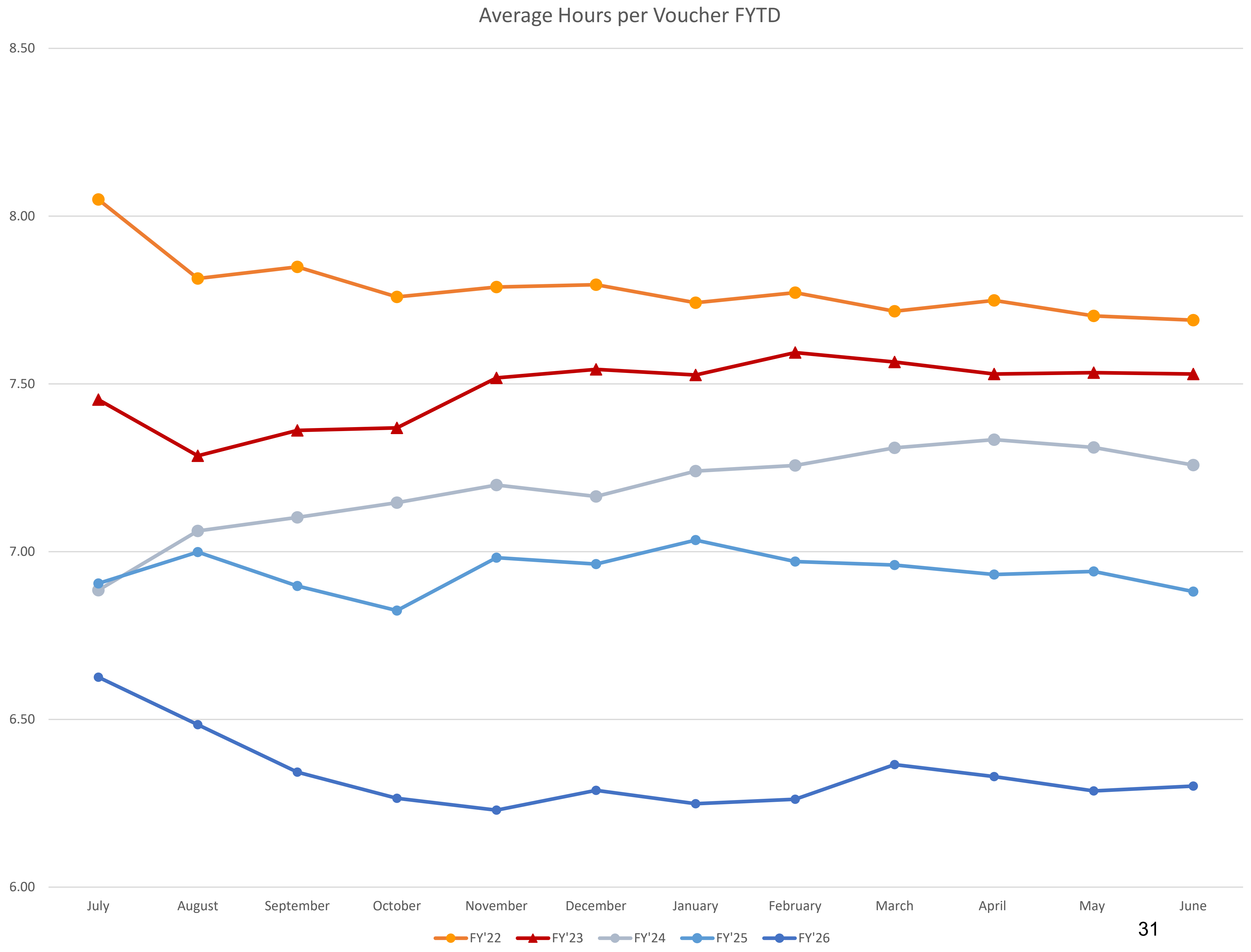
Fund Approp Account Name	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
GENERAL										
010 Z11201										
	1	2	1	2	1	2	1	2	1	2
Object Class	PS	AO	PS	AO	PS	AO	PS	AO	PS	AO
Budget/Allotment	2,338,782.00	15,234,914.00	2,654,103.00	12,433,665.00	2,383,159.00	15,317,146.00	2,860,735.00	12,595,528.00	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)	(2,427,597.21)	(12,353,479.82)	(9,803,640.58)	(54,614,348.67)
Encumbrances		(1,046,722.31)		97,003.22		224,865.22		146,469.13		(578,384.74)
Total Available Allotment	*0.22*	*1.36*	*0.10*	*(0.01)*	*0.31*	*0.93*	*433,137.79*	*388,517.31*	*433,138.42*	*388,519.59*

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
OTHER SPECIAL REVENUE FUNDS										
014 Z11201										
	1	2	1	2	1	2	1	2	1	2
Object Class	PS	AO	PS	AO	PS	AO	PS	AO	PS	AO
Budget/Allotment	-	55,117.00	-	(47,394.00)	-	200,773.00	-	196,873.00	-	405,369.00
Expenditures to date	-	(40,089.74)	-	40,089.74	-	(200,772.81)	-	(218.93)	-	(200,991.74)
Encumbrances		(15,025.75)		7,304.94		-		-		(7,720.81)
Total Available Allotment	-	*1.51*	-	*0.68*	-	*$0.19*	-	*$196,654.07*	-	*$196,656.45*

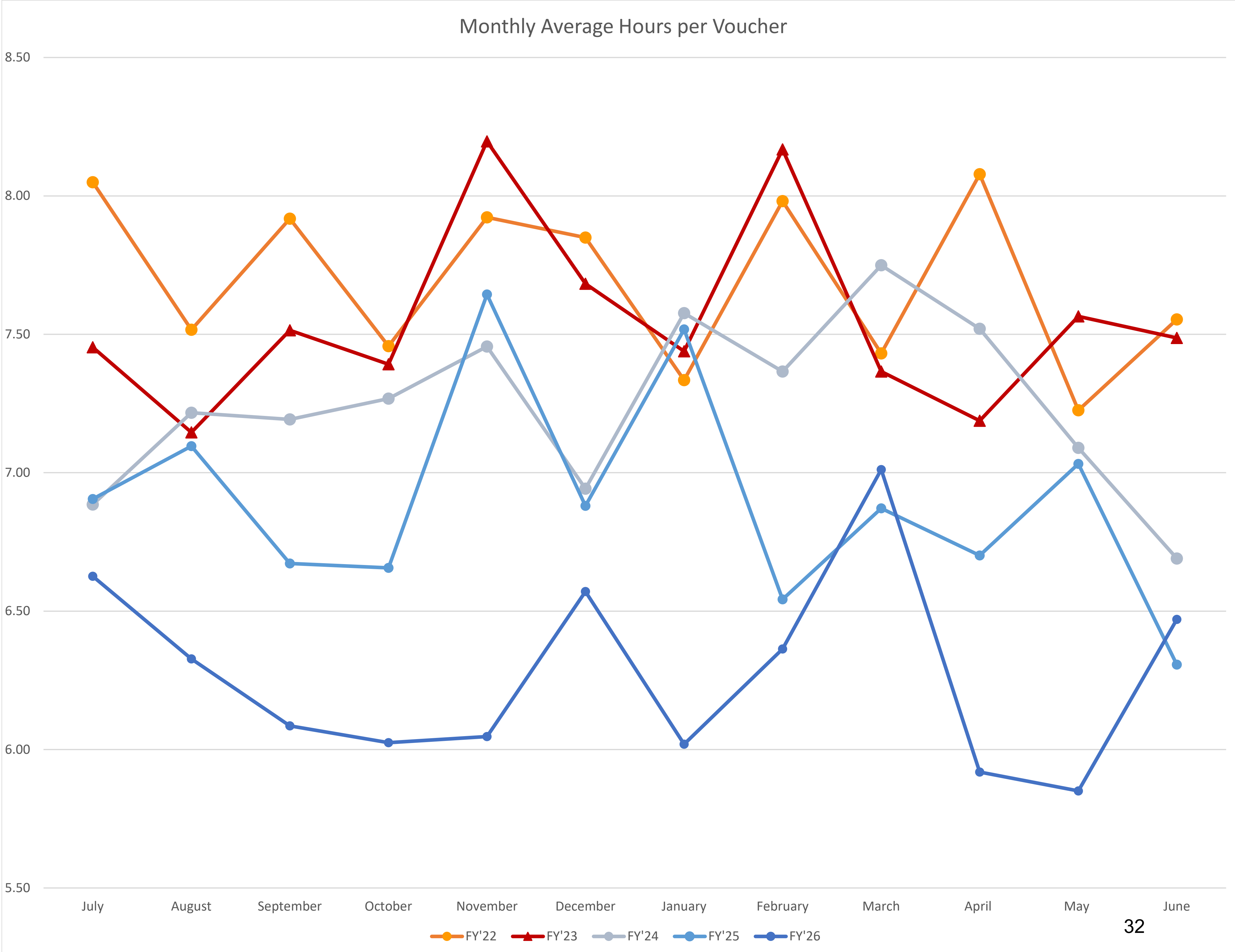
		PS	All Other Expenditures																				Total All Other	Expenditures
			PROF. SERVICES, NOT BY STATE	PROF. SERVICES, BY STATE	TRAVEL EXPENSES, IN STATE	EXPENSES, OUT OF STATE	UTILITY SERVICES	RENTS	REPAIRS	INSURANCE	GENERAL OPERATIONS	EMPLOYEE TRAINING	COMMODITIES - FOOD	TECHNOLOGY	CLOTHING	EQUIPMENT AND TECHNOLOGY	OFFICE & OTHER SUPPLIES	HIGHWAY MATERIALS	LABOR AND INS CLIENT BENEFITS	ASSISTANCE AND RELIEF GRANT	CHARGES TO ASSETS AND LIAB.	TELECOMMUNICATIONS		
		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	813,243.61	3,212,023.48	77,390.73	10,149.76	3,635.17	16.00	40,172.30	-	-	211,360.17	1,996.84	9,277.91	46,383.47	77.75	4,836.25	14,934.84	-	-	28.00	-	-	3,632,282.67	4,445,526.28
May-26	11	800,984.02	3,904,891.67	-	3,585.00	1,747.36	-	109,642.70	-	-	119,281.39	-	-	203,051.44	-	-	16,985.66	-	-	77.50	-	-	4,359,262.72	5,160,246.74
Jun-26	12	813,369.58	4,199,954.92	-	3,747.46	227.55	-	3,144.00	-	-	96,028.92	2,175.00	158.48	51,430.62	-	3,630.00	1,151.68	-	-	285.80	-	-	4,361,934.43	5,175,304.01
Total Expenditures		***9,803,640.58***	***51,014,199.17***	***151,656.45***	***67,011.18***	***6,877.99***	***104.88***	***585,517.57***	***15.12***	***9,745.96***	***1,670,185.89***	***27,750.81***	***57,841.88***	***806,014.07***	***378.69***	***11,866.22***	***200,857.29***	***28.39***	***45.89***	***688.07***	***1,249.00***	***2,314.15***	***54,614,348.67***	***64,417,989.25***
Encumbrances			266,123.10	-	-	-	-	-	-	-	534.03	15,500.00	233.64	206,512.21	-	-	89,481.76	-	-	-	-	-	578,384.74	578,384.74
Estimated Remaining Expenses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Estimated Expenses		***9,803,640.58***	***51,280,322.27***	***151,656.45***	***67,011.18***	***6,877.99***	***104.88***	***585,517.57***	***15.12***	***9,745.96***	***1,670,719.92***	***43,250.81***	***58,075.52***	***1,012,526.28***	***378.69***	***11,866.22***	***290,339.05***	***28.39***	***45.89***	***688.07***	***1,249.00***	***2,314.15***	***55,192,733.41***	***64,996,373.99***
Remaining Funds Available		**433,138.42**	**(15,944,307.27)**	**18,546,914.55**	**162,978.82**	**(6,877.99)**	**(104.88)**	**(510,517.57)**	**(15.12)**	**(5,985.96)**	**(1,611,869.92)**	**(35,350.81)**	**(58,075.52)**	**90,988.72**	**(378.69)**	**7,112.78**	**(246,666.05)**	**(28.39)**	**(45.89)**	**(688.07)**	**(1,249.00)**	**2,685.85**	**388,519.59**	**821,658.01**

Sum of Expended Amount		Fund 010	Approp 014	Grand Total
Object Revenue	Object Name	Z11201	Z11201	
4003	ACCOUNT & AUDIT SERVICES	3,812.75		3,812.75
4005	READER & INTERPRETER SERV	13,070.05		13,070.05
4031	INSPECT & INVESTIGATION	44,790.55		44,790.55
4040	COURT APPOINTED ATTORNEYS	3,948,413.96		3,948,413.96
4047	PSYCHOLOGICAL EXAMINATION	81,112.50		81,112.50
4073	CONSULTATION SERVICES		(4,525.63)	(4,525.63)
4075	CASE MANAGEMENT SERVICES	73,461.95		73,461.95
4096	CONTRACTUAL EMPLOYEE	16,648.32		16,648.32
4099	MISC PROF FEES & SPEC SRV	17,589.14		17,589.14
4270	AUTO MILEAGE-GEN IN STATE	3,701.04		3,701.04
4271	OTHER TRANSPORTATION	46.42		46.42
4651	MISC RENTS	3,144.00		3,144.00
4911	POSTAGE	774.89		774.89
4913	INTRAGOVERNMENTAL SERVICE	90.00		90.00
4922	WASTE RECYCLING	25.50		25.50
4930	TRANSCRIPTS	18,701.84		18,701.84
4959	EXPERT WITNESS FEES	75,332.69		75,332.69
4983	DUES	1,104.00		1,104.00
5001	REGISTRATION FEE-NON STATE	2,175.00		2,175.00
5150	FOOD	158.48		158.48
5301	OIT PROFESSIONAL CHARGES	4,068.28		4,068.28
5302	TELEPHONE SERVICE	1,612.00		1,612.00
5304	CELLULAR PHONE SERVICE	5,328.82		5,328.82
5310	IT END USER SERVICES	18,551.72		18,551.72
5312	IT CONSULTING-NON STATE	5,340.00		5,340.00
5315	IT APPLICATIONS-BY STATE	4,995.53		4,995.53
5331	NETWORK ACCESS	145.62		145.62
5341	LEASE PURCHASE HARDWARE/SYSTEM	1,339.60		1,339.60
5355	SOFTWARE MAINT / LICENSES	9,654.84		9,654.84
5370	MINOR IT EQUIPMENT	394.21		394.21
5602	OFFICE SUPPLIES	671.90		671.90
5627	PURCHASE OF BOOKS	479.78		479.78
6755	MEDICAL REPORTS/RECORDS	285.80		285.80
8511	TRANS TO GEN FUND STACAP		72.98	72.98
4049	SUBPOENA SERVICE	1,055.70		1,055.70
4385	MISCELLANEOUS EXPENSE	227.55		227.55
5588	ELECTRONIC OFFICE EQUIPMENT	3,630.00		3,630.00
Grand Total		**4,361,934.43**	**(4,452.65)**	**4,357,481.78**

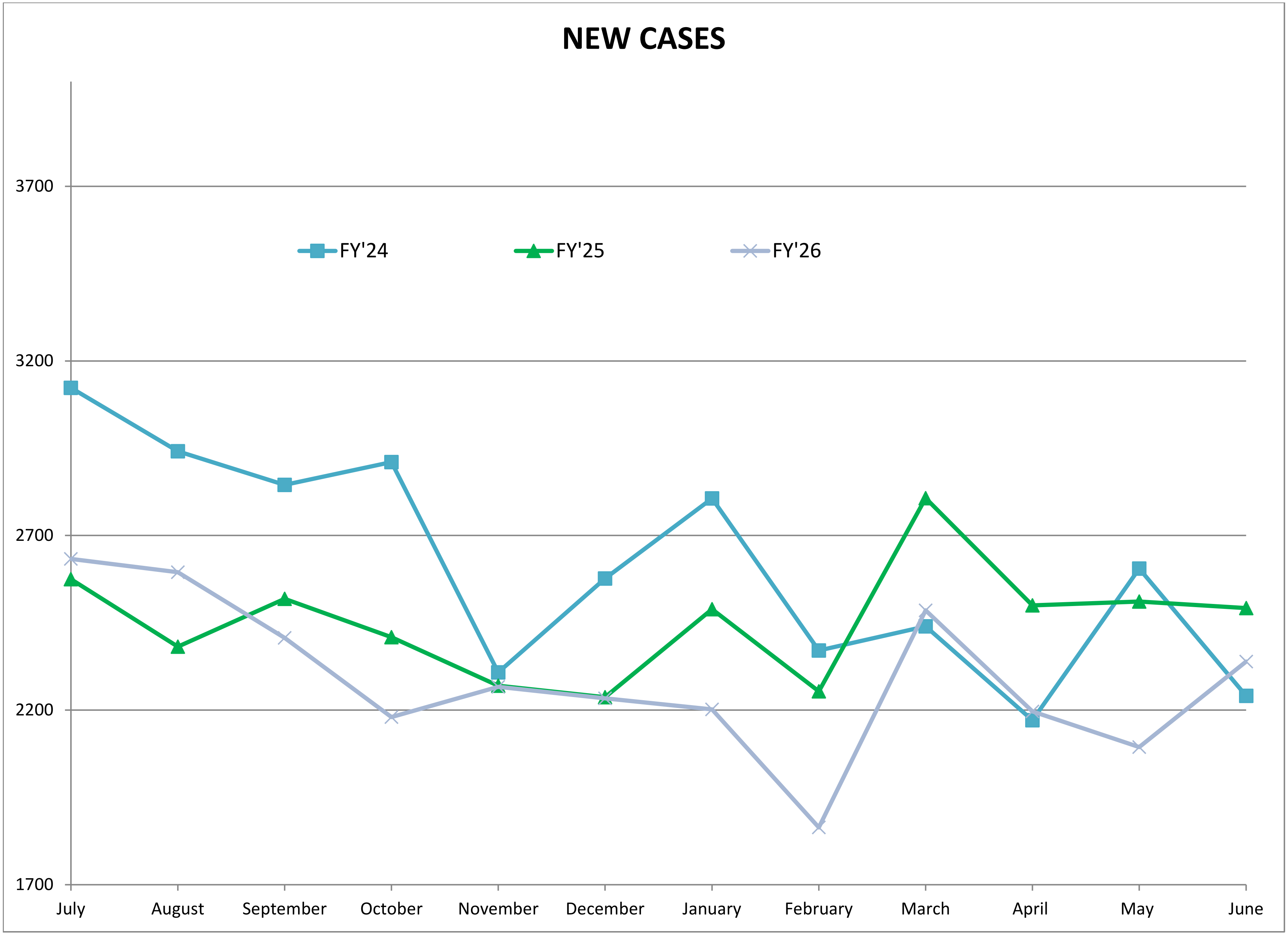

Paid Hours Amount
40000.00
35000.00
30000.00
25000.00
20000.00
15000.00
10000.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'22
FY'23
FY'24
FY'25
FY'26

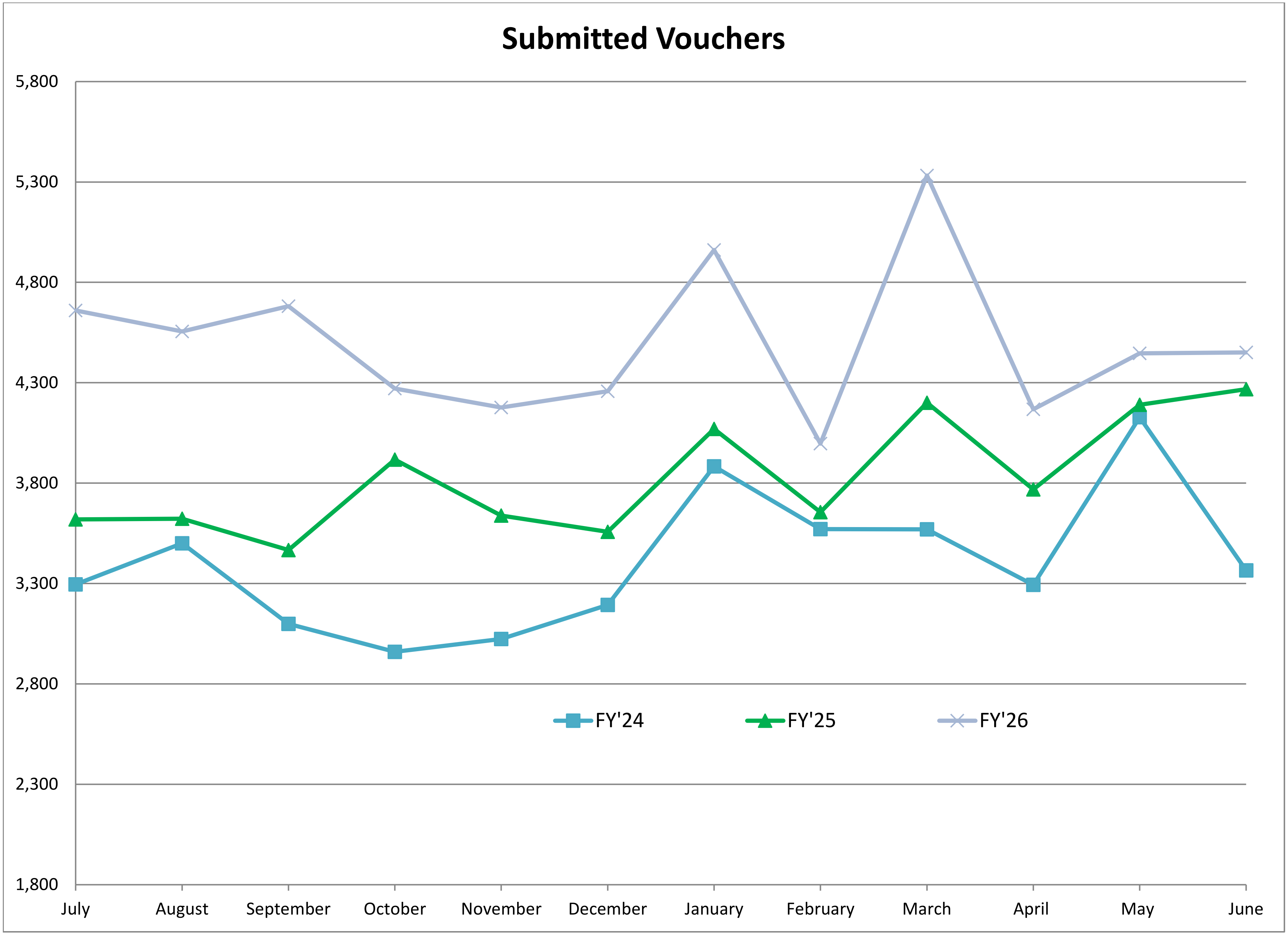


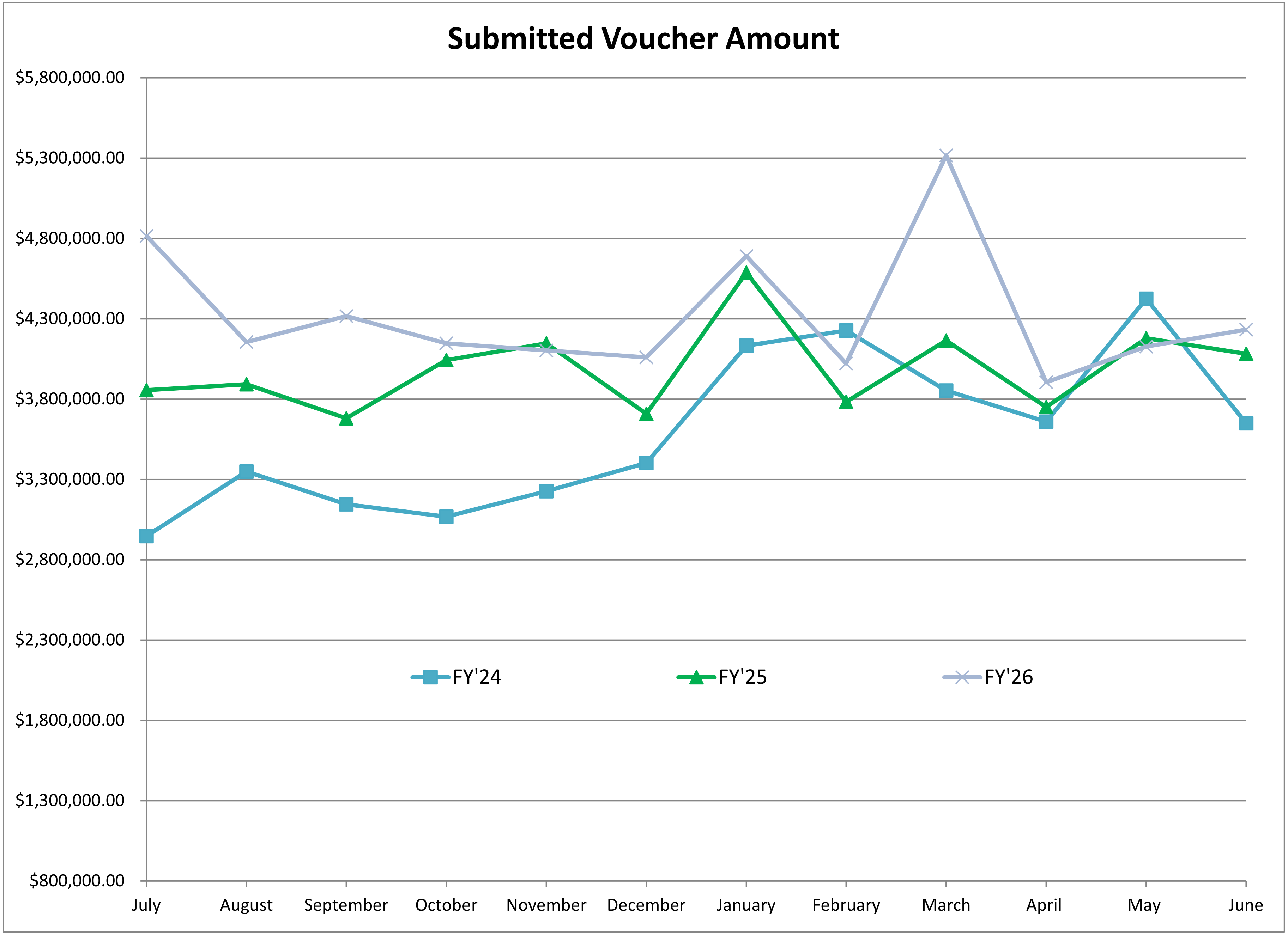
Average Hours per Voucher FYTD
8.50
8.00
7.50
7.00
6.50
6.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'22
FY'23
FY'24
FY'25
FY'26

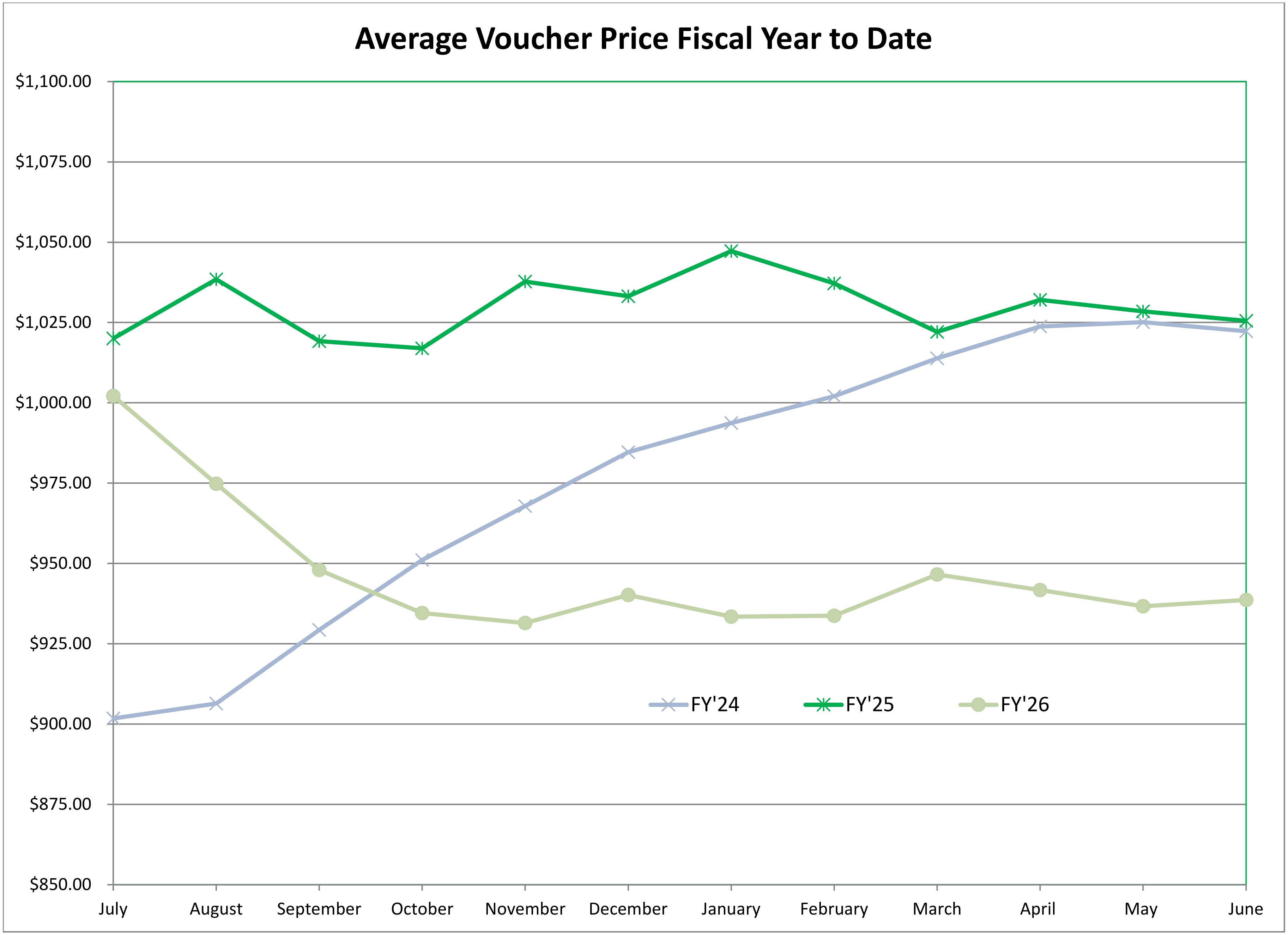


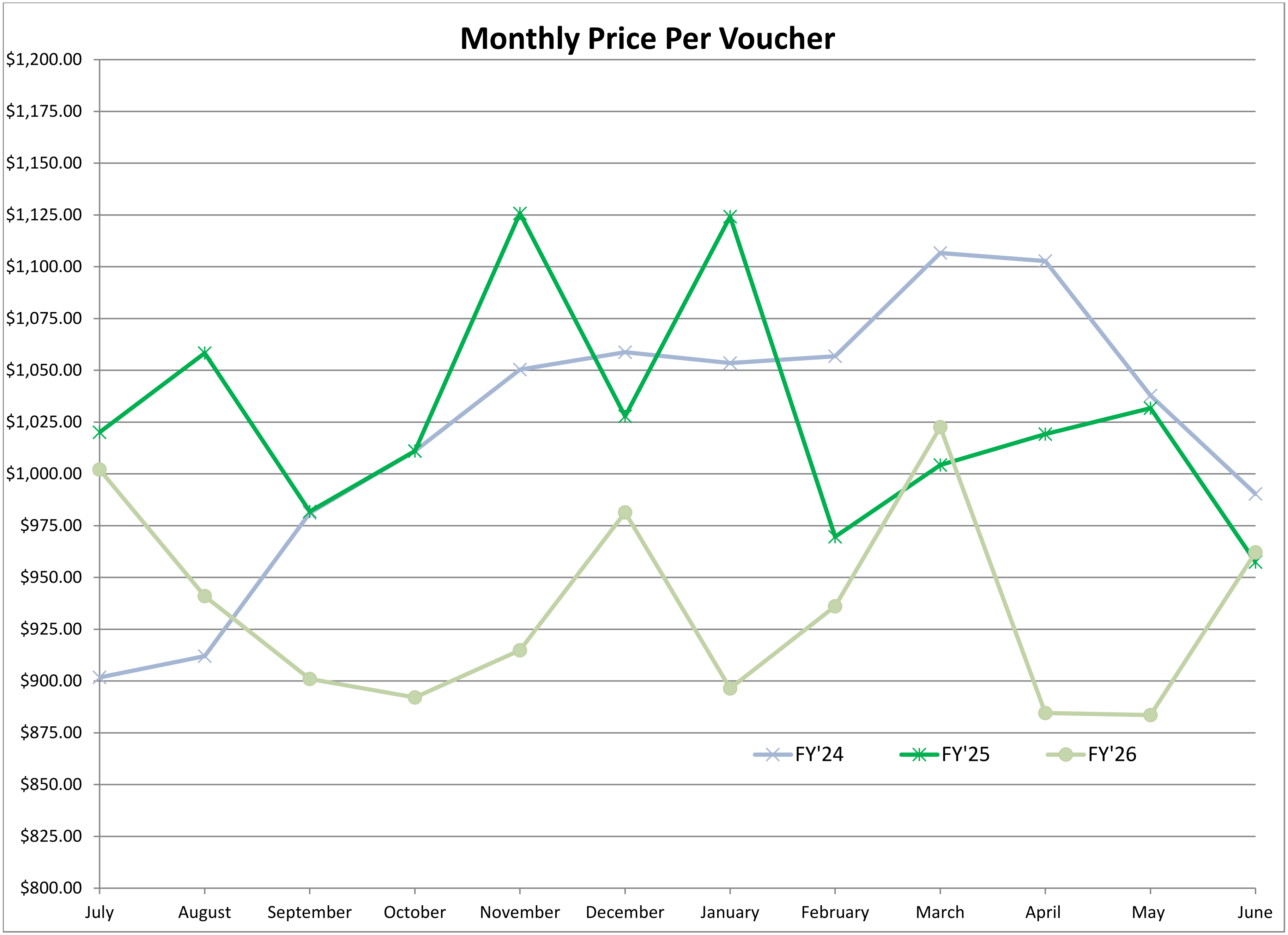
Monthly Average Hours per Voucher
8.50
8.00
7.50
7.00
6.50
6.00
5.50
July
August
September
October
November
December
January
February
March
April
May
June
FY'22
FY'23
FY'24
FY'25
FY'26


NEW CASES
FY'24
FY'25
FY'26
3700
3200
2700
2200
1700
July
August
September
October
November
December
January
February
March
April
May
June


Submitted Vouchers
5,800
5,300
4,800
4,300
3,800
3,300
2,800
2,300
1,800
July
August
September
October
November
December
January
February
March
April
May
June
FY'24
FY'25
FY'26


Submitted Voucher Amount
$5,800,000.00
$5,300,000.00
$4,800,000.00
$4,300,000.00
$3,800,000.00
$3,300,000.00
$2,800,000.00
$2,300,000.00
$1,800,000.00
$1,300,000.00
$800,000.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'24
FY'25
FY'26


Average Voucher Price Fiscal Year to Date
$1,100.00
$1,075.00
$1,050.00
$1,025.00
$1,000.00
$975.00
$950.00
$925.00
$900.00
$875.00
$850.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'24
FY'25
FY'26


Monthly Price Per Voucher
$1,200.00
$1,175.00
$1,150.00
$1,125.00
$1,100.00
$1,075.00
$1,050.00
$1,025.00
$1,000.00
$975.00
$950.00
$925.00
$900.00
$875.00
$850.00
$825.00
$800.00
July
August
September
October
November
December
January
February
March
April
May
June
FY'24
FY'25
FY'26

Pending UCD Cases as of July 10, 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	**630**	**142**	**102**	**16.2%**	**1,147**	**233**	**524**	**45.7%**	**66**	**46**	**69.7%**	***1,843***	***375***	**672**	**36.5%**
Aroostook	**477**	**114**	**39**	**8.2%**	**699**	**230**	**154**	**22.0%**	**24**	**12**	**50.0%**	***1,200***	***344***	**205**	**17.1%**
Caribou	103	26	9	8.7%	141	47	44	31.2%	9	6	66.7%	*253*	*73*	59	23.3%
Fort Kent	50	21	4	8.0%	122	52	22	18.0%	2	1	50.0%	*174*	*73*	27	15.5%
Houlton	145	19	8	5.5%	216	66	45	20.8%	6	3	50.0%	*367*	*85*	56	15.3%
Presque Isle	179	48	18	10.1%	220	65	43	19.5%	7	2	28.6%	*406*	*113*	63	15.5%
Cumberland	**1,191**	**210**	**102**	**8.6%**	**2,510**	**445**	**455**	**18.1%**	**87**	**47**	**54.0%**	***3,788***	***655***	**604**	**15.9%**
Bridgton	18	6	1	5.6%	174	47	33	19.0%	29	26	89.7%	*221*	*53*	60	27.1%
Portland	1,165	200	101	8.7%	2,134	353	377	17.7%	47	17	36.2%	*3,346*	*553*	495	14.8%
West Bath	8	4	0	0.0%	202	45	45	22.3%	11	4	36.4%	*221*	*49*	49	22.2%
Franklin	**114**	**26**	**21**	**18.4%**	**257**	**114**	**88**	**34.2%**	**12**	**5**	**41.7%**	***383***	***140***	**114**	**29.8%**
Hancock	**240**	**28**	**17**	**7.1%**	**482**	**67**	**137**	**28.4%**	**36**	**20**	**55.6%**	***758***	***95***	**174**	**23.0%**
Kennebec	**648**	**105**	**121**	**18.7%**	**1,470**	**241**	**548**	**37.3%**	**34**	**25**	**73.5%**	***2,152***	***346***	**694**	**32.2%**
Augusta	620	96	117	18.9%	998	151	387	38.8%	24	21	87.5%	*1,642*	*247*	525	32.0%
Waterville	28	9	4	14.3%	472	90	161	34.1%	10	4	40.0%	*510*	*99*	169	33.1%
Knox	**219**	**25**	**14**	**6.4%**	**460**	**109**	**109**	**23.7%**	**15**	**5**	**33.3%**	***694***	***134***	**128**	**18.4%**
Lincoln	**181**	**39**	**18**	**9.9%**	**384**	**110**	**108**	**28.1%**	**15**	**1**	**6.7%**	***580***	***149***	**127**	**21.9%**
Oxford	**343**	**104**	**67**	**19.5%**	**653**	**184**	**241**	**36.9%**	**18**	**9**	**50.0%**	***1,014***	***288***	**317**	**31.3%**
Bridgton	44	17	17	38.6%	82	17	32	39.0%	2	0	0.0%	*128*	*34*	49	38.3%
Rumford	50	21	2	4.0%	110	38	26	23.6%	3	2	66.7%	*163*	*59*	30	18.4%
South Paris	249	66	48	19.3%	461	129	183	39.7%	13	7	53.8%	*723*	*195*	238	32.9%
Penobscot	**573**	**28**	**57**	**9.9%**	**1,423**	**45**	**433**	**30.4%**	**36**	**16**	**44.4%**	***2,032***	***73***	**506**	**24.9%**
Bangor	548	28	51	9.3%	1,053	32	291	27.6%	9	7	77.8%	*1,610*	*60*	349	21.7%
Lincoln	10	0	5	50.0%	136	5	65	47.8%	7	5	71.4%	*153*	*5*	75	49.0%
Newport	15	0	1	6.7%	234	8	77	32.9%	20	4	20.0%	*269*	*8*	82	30.5%
Piscataquis	**21**	**1**	**1**	**4.8%**	**80**	**1**	**37**	**46.3%**	**17**	**14**	**82.4%**	***118***	***2***	**52**	**44.1%**
Sagadahoc	**117**	**29**	**4**	**3.4%**	**290**	**111**	**61**	**21.0%**	**13**	**2**	**15.4%**	***420***	***140***	**67**	**16.0%**
Somerset	**362**	**76**	**92**	**25.4%**	**625**	**96**	**281**	**45.0%**	**10**	**3**	**30.0%**	***997***	***172***	**376**	**37.7%**
Waldo	**189**	**31**	**14**	**7.4%**	**311**	**90**	**64**	**20.6%**	**6**	**4**	**66.7%**	***506***	***121***	**82**	**16.2%**
Washington	**198**	**15**	**6**	**3.0%**	**248**	**55**	**28**	**11.3%**	**9**	**4**	**44.4%**	***455***	***70***	**38**	**8.4%**
Calais	79	5	3	3.8%	110	26	11	10.0%	3	1	33.3%	*192*	*31*	15	7.8%
Machias	119	10	3	2.5%	138	29	17	12.3%	6	3	50.0%	*263*	*39*	23	8.7%
York	**766**	**124**	**199**	**26.0%**	**2,596**	**542**	**985**	**37.9%**	**117**	**75**	**64.1%**	***3,479***	***666***	**1,259**	**36.2%**
TOTAL	***6,269***	***1,097***	***874***	**13.9%**	***13,635***	***2,673***	***4,253***	**31.2%**	***515***	***288***	**55.9%**	***20,419***	***3,770***	***5,415***	**26.5%**

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, July 2025 to July 2026

Pending cases as of July 10 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff
Androscoggin	**794**	**630**	**-20.7%**	**1,557**	**1,147**	**-26.3%**	**17**	**66**	**288.2%**	**2,368**	***1,843***	**-22.2%**
Aroostook	**479**	**477**	**-0.4%**	**756**	**699**	**-7.5%**	**17**	**24**	**41.2%**	***1,252***	***1,200***	**-4.2%**
Caribou	99	103	4.0%	133	141	6.0%	5	9	80.0%	*237*	*253*	6.8%
Fort Kent	72	50	-30.6%	157	122	-22.3%	3	2	-33.3%	*232*	*174*	-25.0%
Houlton	123	145	17.9%	203	216	6.4%	5	6	20.0%	*331*	*367*	10.9%
Presque Isle	185	179	-3.2%	263	220	-16.3%	4	7	75.0%	*452*	*406*	-10.2%
Cumberland	**1,442**	**1,191**	**-17.4%**	**3,325**	**2,510**	**-24.5%**	**122**	**87**	**-28.7%**	***4,889***	***3,788***	**-22.5%**
Bridgton	20	18	-10.0%	283	174	-38.5%	50	29	-42.0%	*353*	*221*	-37.4%
Portland	1,399	1,165	-16.7%	2,726	2,134	-21.7%	40	47	17.5%	*4,165*	*3,346*	-19.7%
West Bath	23	8	-65.2%	316	202	-36.1%	32	11	-65.6%	*371*	*221*	-40.4%
Franklin	**116**	**114**	**-1.7%**	**293**	**257**	**-12.3%**	**9**	**12**	**33.3%**	***418***	***383***	**-8.4%**
Hancock	**225**	**240**	**6.7%**	**432**	**482**	**11.6%**	**29**	**36**	**24.1%**	***686***	***758***	**10.5%**
Kennebec	**557**	**648**	**16.3%**	**1,421**	**1,470**	**3.4%**	**18**	**34**	**88.9%**	***1,996***	***2,152***	**7.8%**
Augusta	535	620	15.9%	897	998	11.3%	15	24	60.0%	*1,447*	*1,642*	13.5%
Waterville	22	28	27.3%	524	472	-9.9%	3	10	233.3%	*549*	*510*	-7.1%
Knox	**205**	**219**	**6.8%**	**523**	**460**	**-12.0%**	**10**	**15**	**50.0%**	***738***	***694***	**-6.0%**
Lincoln	**188**	**181**	**-3.7%**	**421**	**384**	**-8.8%**	**8**	**15**	**87.5%**	***617***	***580***	**-6.0%**
Oxford	**447**	**343**	**-23.3%**	**806**	**653**	**-19.0%**	**17**	**18**	**5.9%**	***1,270***	***1,014***	**-20.2%**
Bridgton	53	44	-17.0%	82	82	0.0%	0	2	0.0%	*135*	*128*	-5.2%
Rumford	147	50	-66.0%	250	110	-56.0%	6	3	-50.0%	*403*	*163*	-59.6%
South Paris	247	249	0.8%	474	461	-2.7%	11	13	18.2%	*732*	*723*	-1.2%
Penobscot	**688**	**573**	**-16.7%**	**1,654**	**1,423**	**-14.0%**	**54**	**36**	**-33.3%**	***2,396***	***2,032***	**-15.2%**
Bangor	669	548	-18.1%	1,246	1,053	-15.5%	13	9	-30.8%	*1,928*	*1,610*	-16.5%
Lincoln	4	10	150.0%	165	136	-17.6%	23	7	-69.6%	*192*	*153*	-20.3%
Newport	15	15	0.0%	243	234	-3.7%	18	20	11.1%	*276*	*269*	-2.5%
Piscataquis	**47**	**21**	**-55.3%**	**106**	**80**	**-24.5%**	**24**	**17**	**-29.2%**	***177***	***118***	**-33.3%**
Sagadahoc	**155**	**117**	**-24.5%**	**402**	**290**	**-27.9%**	**16**	**13**	**-18.8%**	***573***	***420***	**-26.7%**
Somerset	**316**	**362**	**14.6%**	**462**	**625**	**35.3%**	**6**	**10**	**66.7%**	***784***	***997***	**27.2%**
Waldo	**178**	**189**	**6.2%**	**372**	**311**	**-16.4%**	**9**	**6**	**-33.3%**	***559***	***506***	**-9.5%**
Washington	**189**	**198**	**4.8%**	**293**	**248**	**-15.4%**	**22**	**9**	**-59.1%**	***504***	***455***	**-9.7%**
Calais	83	79	-4.8%	133	110	-17.3%	8	3	-62.5%	*224*	*192*	-14.3%
Machias	106	119	12.3%	160	138	-13.8%	14	6	-57.1%	*280*	*263*	-6.1%
York	**801**	**766**	**-4.4%**	**2,408**	**2,596**	**7.8%**	**39**	**117**	**200.0%**	***3,248***	***3,479***	**7.1%**
TOTAL	***6,827***	***6,269***	**-8.2%**	***15,231***	***13,635***	**-10.5%**	***417***	***515***	**23.5%**	***22,475***	***20,419***	**-9.1%**

Columns

2025 Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 10, 2025

2026 Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 10, 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, July 2019 to July 2026

Pending cases as of July 10 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff
Androscoggin	**382**	**630**	**64.9%**	**1,374**	**1,147**	**-16.5%**	**23**	**66**	**187.0%**	**1,779**	***1,843***	**3.6%**
Aroostook	**376**	**477**	**26.9%**	**718**	**699**	**-2.6%**	**27**	**24**	**-11.1%**	***1,121***	***1,200***	**7.0%**
Caribou	71	103	45.1%	176	141	-19.9%	12	9	-25.0%	*259*	*253*	-2.3%
Fort Kent	39	50	28.2%	95	122	28.4%	3	2	-33.3%	*137*	*174*	27.0%
Houlton	108	145	34.3%	150	216	44.0%	9	6	-33.3%	*267*	*367*	37.5%
Presque Isle	158	179	13.3%	297	220	-25.9%	3	7	133.3%	*458*	*406*	-11.4%
Cumberland	**826**	**1,191**	**44.2%**	**2,638**	**2,510**	**-4.9%**	**191**	**87**	**-54.5%**	***3,655***	***3,788***	**3.6%**
Bridgton	10	18	80.0%	193	174	-9.8%	57	29	-49.1%	*260*	*221*	-15.0%
Portland	798	1,165	46.0%	2,091	2,134	2.1%	102	47	-53.9%	*2,991*	*3,346*	11.9%
West Bath	18	8	-55.6%	354	202	-42.9%	32	11	-65.6%	*404*	*221*	-45.3%
Franklin	**84**	**114**	**35.7%**	**298**	**257**	**-13.8%**	**14**	**12**	**-14.3%**	***396***	***383***	**-3.3%**
Hancock	**206**	**240**	**16.5%**	**514**	**482**	**-6.2%**	**64**	**36**	**-43.8%**	***784***	***758***	**-3.3%**
Kennebec	**351**	**648**	**84.6%**	**1,191**	**1,470**	**23.4%**	**70**	**34**	**-51.4%**	***1,612***	***2,152***	**33.5%**
Augusta	336	620	84.5%	640	998	55.9%	38	24	-36.8%	*1,014*	*1,642*	61.9%
Waterville	15	28	86.7%	551	472	-14.3%	32	10	-68.8%	*598*	*510*	-14.7%
Knox	**181**	**219**	**21.0%**	**322**	**460**	**42.9%**	**1**	**15**	**1400.0%**	***504***	***694***	**37.7%**
Lincoln	**90**	**181**	**101.1%**	**215**	**384**	**78.6%**	**4**	**15**	**275.0%**	***309***	***580***	**87.7%**
Oxford	**195**	**343**	**75.9%**	**501**	**653**	**30.3%**	**16**	**18**	**12.5%**	***712***	***1,014***	**42.4%**
Bridgton	20	44	120.0%	68	82	20.6%	6	2	-66.7%	*94*	*128*	36.2%
Rumford	85	50	-41.2%	208	110	-47.1%	1	3	200.0%	*294*	*163*	-44.6%
South Paris	90	249	176.7%	225	461	104.9%	9	13	44.4%	*324*	*723*	123.1%
Penobscot	**336**	**573**	**70.5%**	**1,081**	**1,423**	**31.6%**	**103**	**36**	**-65.0%**	***1,520***	***2,032***	**33.7%**
Bangor	329	548	66.6%	833	1,053	26.4%	67	9	-86.6%	*1,229*	*1,610*	31.0%
Lincoln	4	10	150.0%	82	136	65.9%	17	7	-58.8%	*103*	*153*	48.5%
Newport	3	15	400.0%	166	234	41.0%	19	20	5.3%	*188*	*269*	43.1%
Piscataquis	**24**	**21**	**-12.5%**	**29**	**80**	**175.9%**	**3**	**17**	**466.7%**	***56***	***118***	**110.7%**
Sagadahoc	**97**	**117**	**20.6%**	**289**	**290**	**0.3%**	**10**	**13**	**30.0%**	***396***	***420***	**6.1%**
Somerset	**144**	**362**	**151.4%**	**469**	**625**	**33.3%**	**35**	**10**	**-71.4%**	***648***	***997***	**53.9%**
Waldo	**90**	**189**	**110.0%**	**269**	**311**	**15.6%**	**9**	**6**	**-33.3%**	***368***	***506***	**37.5%**
Washington	**107**	**198**	**85.0%**	**194**	**248**	**27.8%**	**45**	**9**	**-80.0%**	***346***	***455***	**31.5%**
Calais	39	79	102.6%	91	110	20.9%	12	3	-75.0%	*142*	*192*	35.2%
Machias	68	119	75.0%	103	138	34.0%	33	6	-81.8%	*204*	*263*	28.9%
York	**766**	**766**	**0.0%**	**2,416**	**2,596**	**7.5%**	**79**	**117**	**48.1%**	***3,261***	***3,479***	**6.7%**
TOTAL	***4,255***	***6,269***	**47.3%**	***12,518***	***13,635***	**8.9%**	***694***	***515***	**-25.8%**	***17,467***	***20,419***	**16.9%**

Columns

2019 Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 10, 2019

2026 Number of cases having at least one charge without a disposition, and without a currently active warrant as of July 10, 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

July 2026

Capital Region Advocates for Mentally Unwell Clients

Assistant Defender **Matt Fortin** recently secured a dismissal for his client on the grounds that they were not competent to stand trial. Reports from the State Forensic Service consistently indicated that client was not competent, but the State wanted the client to go to the hospital for further attempts at restoration. This client, having housing and services in the community, would have faced a major disruption in their life, losing housing and public benefits available to them by virtue of not being held in an institution. Given that these were misdemeanor charges, with minimal public safety concern indicated, Matt tirelessly advocated for his client to remain in the community where they were stable and able to perform daily activities. The court elected to dismiss rather than prolong the case.

Assistant Defender **Dan Lawson** counseled a client charged with Aggravated Assault through a plea of Not Criminally Responsible. This is an increasingly rare disposition where a client acknowledges that a mental process was affecting them at the time of a criminal act such that they did not appreciate the wrongfulness of their conduct. The result is that a client will then be committed to the custody of the Commissioner of DHHS and housed at a State Psychiatric Hospital for an indefinite period. The client may petition every six months for increased privileges working towards release. These types of pleas involve a high amount of emotion for all parties involved and included significant negotiation through a Judicial Settlement Conference to get to this result.

Highlands Region Defenders Prevail

Dismissals in criminal matters are an acknowledgement that a prosecutor no longer believes that they can carry their burden to prove a case beyond a reasonable doubt. A dismissal ends the stress and uncertainty of the process for clients and eliminates the risk of the consequences of a conviction. Great lawyering often happens quietly and without the fanfare of a trial or judgment and in some instances results in the dismissal of a case.

Defenders in the Highlands Region Office have been on a role with dismissals this month. Recent dismissals include an Aggravated Assault brought against our 23-year-old client who was defending her mother against a violent boyfriend; a felony Failure to Appear Indictment brought by the State in a case where they had previously dismissed the felony charge in the underlying case; and a complete dismissal of a two count Indictment on Class B Aggravated Assault case where the complaining witness was uncooperative.

In Penobscot County particularly, dismissals of OUIs are incredibly rare. Earlier this month, HRPD's summer intern and student attorney **Lucie Nolden** persuaded the DAs office to dismiss an OUI due to diligent pre-trial discovery efforts. Because of her advocacy, this client will not suffer the life altering consequences of an OUI conviction. We are proud of our intern's efforts in this case and delighted to help train future lawyers who can assist in PDS cases.

In other news, the office is getting its first case management services on board for clients this week. The office is looking forward to the support that case managers will provide for clients, in pre-conviction mitigation and rehabilitation efforts.

Suspended Sentence in Casco Bay

In our Portland office, Assistant Defender **Emma Izaguirre** recently got a favorable outcome in a felony case of Endangering the Welfare of a Child. Despite the State seeking a split sentence with 18 months to serve in custody, through the client's willingness to rehabilitate and Emma's strong advocacy, including an 18-page sentencing memo, the State agreed to a **fully** suspended sentence meaning the client will not serve any time in custody unless she fails to comply with probation, exactly as Emma recommended. This allows the client to avoid further disruption of her family and will continue to work towards family reunification.

Capital Region Law Student Intern helps secure Not Guilty verdict

District Defender Andrew Dawson and law student intern Maggie Bradbury secured a Not Guilty verdict in a criminal mischief charge after jury trial in Somerset County. The client was suffering from a mental health episode at the time of the allegations. Andrew called a psychologist from State Forensic Services whose report and testimony supported a defense of Abnormal Condition of Mind, allowing the jury to find that the State did not meet its burden of proving the required state of mind beyond a reasonable doubt. Our office is fortunate to provide the educational experience of this trial to our summer law students.

Tri County Public Defenders: Always Work the Case Like it's Going to Trial

Persistence and diligence continue to pay off for the Tri-County office resulting in successful outcomes in serious cases. First, a client who was subject to long term abuse was accused of a serious felony for protecting herself from being physically assaulted. The alleged victim in this case started an argument with the client, took her phone and then initiated a physical altercation. When the client tried to protect herself, the abuse escalated until she retreated and grabbed a weapon in defense. The alleged victim continued to try to assault the client and was injured which resulted in felony DV Aggravated Assault charges. The prosecutor was seeking a *6 year* sentence. Assistant Defender **Jen Rhode** obtained detailed mitigation information and fully litigated a Motion to Suppress and numerous other motions. Eventually, she convinced the prosecutor to consider the conduct within the context of whole event, and the prosecutor offered a *misdemeanor* non-DV reckless conduct for a fully suspended, non-jail sentence. Jen filed an 18-page sentencing memo providing context and arguing in favor of this outcome. The ADA also filed a sentencing memo, telling the judge how scary the alleged victim was, how this is a strong self-defense case, and how great our client has done while awaiting trial. Based on strong advocacy, the plea was accepted.

In another felony DV case, Assistant Defender **Ben Raker** had an arguable suppression issue involving a search of a hotel room in the alleged victim's name. Ben filed a 6-page detailed and specific Motion to Suppress. The State dismissed all 3 counts on the afternoon before the 8:30 am suppression hearing. Litigating issues is meaningful, even when the outcome is uncertain. Prosecutors do not dismiss cases unless they are persuaded it is the best path forward. This case would not have been dismissed had Ben not filed the motion and been ready to litigate.

Finally, both **John Henderson** and **Charles Burden** received dismissals in felony cases. John had a felony Aggravated Trafficking dismissed based on discovery motions which illustrated that significant information had not been turned over which materially changed the facts supporting the State's case. Charles had a sexual assault case dismissed because the prosecutor could not produce a material witness by jury selection and the case had been pending for 4 years.

Conclusion: Work every case like it's going to trial. PDS attorneys take their cases seriously and provide highly effective legal representation through thorough case preparation. In each of these cases, the attorney had prepared to take their case to trial and their efforts paid off in successful outcomes for their clients.

Groundbreaking of New Courthouse in Ellsworth

On July 7th, the Chief Justice of the Maine Supreme Judicial Court joined a number of local officials and members of the legislature for a groundbreaking ceremony for the new Hancock County Judicial Center. District Defender Max Coolidge was in attendance representing his office and PDS for the event. Anyone who has practiced in Hancock County can tell you that the courthouse in Ellsworth is both lovely and very much in need of updating. A modern courthouse right off High Street will be a welcome addition to the Ellsworth community. In her remarks, Chief Justice Valerie Stanfill spoke about the need for a courthouse designed with all the users in mind and especially the public who come to court to access justice and important functions of their government.

From the perspective of the public defender, the office is happy that the judicial branch has committed to providing us with designated private space to meet with clients at the new courthouse.

This is an important step in making the public defender an institutional part of the criminal court system. Lawyers in criminal courts are necessities, not luxuries, and it is crucial that the physical infrastructure of our courthouses provides the public with access to their defenders. The office looks forward to serving the people of Ellsworth in the new space when it is completed.

Aroostook County Treatment Court Update

On July 10, the Aroostook County Adult Treatment and Recovery Court (ATRC) welcomed its first participant. Treatment courts combine intensive judicial supervision, substance use disorder treatment, frequent drug testing, case management, and support from a multidisciplinary team. Participants are held accountable through regular court appearances while receiving evidence-based treatment and services designed to reduce recidivism and support long-term recovery. District Defender Toby Jandreau serves as the defense attorney on the ATRC and looks forward to advocating on behalf of clients in the program.

94-649 MAINE COMMISSION ON ~~INDIGENT LEGAL~~PUBLIC DEFENSE SERVICES

Chapter 9: GUIDELINES FOR DETERMINATION OF FINANCIAL ELIGIBILITY FOR ~~ASSIGNED COUNSEL~~COUNSEL AT PDS EXPENSE ~~AND REIMBURSEMENT FOR ASSIGNED COUNSEL COSTS~~

Summary: This ~~chapter~~ Chapter establishes guidelines for determining a person's financial eligibility for ~~assigned counsel and for determining whether eligible persons should be required to reimburse the state for some or all of the cost of assigned counsel~~counsel at PDS expense. These guidelines govern the work of financial screeners employed by the C~~c~~ommission and are intended to provide guidance to courts in their determination of financial eligibility ~~and the amount, if any, of reimbursement.~~.

SECTION 1. ~~DETERMINATION OF FINANCIAL ELIGIBILITY~~Definitions.

~~1. **Definitions**. The following definitions shall be used in making a determination of financial eligibility:~~

1. **PDS or Commission.** "PDS" or "Commission" means the Maine Commission on Public Defense Services.

2. **Executive Director.** "Executive Director" means the Executive Director of the Commission or the Executive Director's decision-making designee.

3. **Applicant.** "Applicant" means a person entitled to Indigent Legal Services who has applied for court-appointed counsel at PDS expense.

4. **Indigent Legal Services.** "Indigent Legal Services" is defined by 4 M.R.S. § 1802(4).

5. **Means-Tested Benefit.** "Means-Tested Benefit" means a benefit which the Applicant receives on the basis of their poverty, as determined by a local, state, or United States federal government, and which the Applicant is currently receiving as of the date the eligibility determination is made. Means-Tested Benefits include only:

   a. Medicaid when the Medicaid application was approved based on financial eligibility. Katie Beckett MaineCare does not count as a means-tested benefit for the purposes of this Chapter;

   b. Supplemental Nutrition Assistance Program (SNAP) or food stamps;

c. Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);

d. Section 8 or other housing subsidized by the state or federal government, if the Applicant is a named lessee;

e. Low-Income Home Energy Assistance Program (LIHEAP);

f. Temporary Assistance for Needy Families (TANF); and

g. Supplemental Security Income.

6. ~~A.~~ **Income**. "Income" means Applicant's actual available current annual total cash receipts before taxes ~~of all persons who are resident members of, and contribute to, the support of a family unit.~~. Income also includes any money that the Applicant's spouse, if married, contributes to the Applicant or their Necessary Expenses or Business Expenses, unless the spouse or the spouse's minor children are named alleged victims of a crime with which Applicant is charged. Income may also include potential wages from seasonal employment when the A~~a~~pplicant has a history of seasonal employment. Types of income include, but are not limited to: wages, income from self-employment, rents, royalties, child support, alimony, Social Security ~~benefits, including SSDI~~Disability Income ~~and SSI~~, ~~TANF benefits,~~ VA benefits, general assistance, cash benefits, ~~—~~unemployment compensation, workers compensation, insurance or pension benefits, strike benefits, interest, dividends, and military family allotments. Income does not include in-kind assistance such as food stamps or vouchers.

7. ~~B.~~ **Cash A~~a~~ssets**. "Cash A~~a~~ssets" means Applicant's cash on hand; money in savings, checking, IRA, certificates of deposit or other readily accessible accounts; stocks or bonds that can be sold; money held in trust for the Applicant if the Applicant has access to the funds; and cryptocurrency or other digital funds. ~~and cash bail unless another person has been designated as the owner of the cash pursuant to 15 M.R.S.A. §1074(1).~~

8. ~~C.~~ **Other A~~a~~ssets**. "Other A~~a~~ssets" means ~~include~~ equity in real estate exceeding $100,000 that is Applicant's Primary Residence ~~equal to an amount necessary to obtain a home equity loan~~if it is reasonably likely that the Applicant could obtain a home equity loan; all equity in real estate that is not Applicant's Primary Residence; cash value of insurance policies; cash value of pension, retirement, or profit sharing plans to which the A~~a~~pplicant has access; equity value of major personal property items such as boats, snowmobiles, and motor vehicles that are not needed for work or family transportation; valuable jewelry; antiques or collections; and any other nonessential property that could be sold, exchanged, or used to obtain a loan.

9. **Estimated Retained Counsel Cost.** “Estimated Retained Counsel Cost” means the amount PDS would expect that an Applicant would need to pay a private attorney if they retained counsel for their case. The Estimated Retained Counsel Cost is contained in Appendix B and shall be increased to reflect the cost of inflation on July 1st of each year. The cost of inflation will be calculated based on the Consumer Price Index, as determined by the United States Bureau of Labor Statistics.

10. ~~D.~~ **Necessary Monthly Expenses**. “Necessary M~~m~~onthly E~~e~~xpenses” ~~include only~~means expenses actually paid by the Applicant which are necessary for the following:

~~a.~~ ~~(1)~~ ~~f~~Food for Applicant and their dependents, less any food stamps or food vouchers that Applicant and/or their spouse, if married, receive;

a.

~~(2)~~ S~~s~~helter, including mortgage payments on a principal residence, rent, and utilities;

b.

~~b.~~ ~~(3)~~ M~~m~~edical care~~,~~ ~~including medical insurance premiums~~ paid by the A~~a~~pplicant on behalf of the Applicant or their dependents, including medical insurance premiums, medical devices, medication, and installment payments on debts for medical expenses;~~;~~

c.

d. Employment, including uniforms required by the employer;

e. Childcare, child support, diapers, and other expenses necessary to the health or safety of Applicant’s minor child(ren) if the children reside with the Applicant;

f. Internet for the Applicant’s primary residence;

g. Transportation expenses, including the cost of transportation to get to and from work, school, or medical appointments. This includes vehicle loan payments, fuel, insurance, and money paid to another for transportation to or from work, school, or medical payments; and

h. Debts, including minimum payments on credit card debt and payments on student loans and long term (longer than 6 months) personal loans.

~~Expenses for items not listed above should not be included in the calculation of necessary monthly expenses.~~

11. **Business Expenses.** “Business Expenses” means expenses necessary for the operation of Applicant’s self-employment or business ownership and includes rent, utilities, employee

compensation, insurance, office expenses, loans on vehicles used primarily for business purposes, software subscriptions, professional services, and equipment.

12. **Net Income.** "Net Income" means the Applicant's remaining income after Necessary Expenses and Business Expenses are deducted from the Applicant's Income.

13. **Primary Residence.** "Primary Residence" means that place where an individual has a true, fixed and permanent home and principal establishment to which the individual, whenever absent, has the intention of returning. An individual may have only one permanent residence at a time and, once a permanent residence is established, that residence is presumed to continue until circumstances indicate otherwise.

SECTION 2. Procedure for Calculating Net Income of Applicants with Business Expenses.

1. To calculate the Income generated from a business owned by the Applicant, the financial screener or court must total the Income generated from said business from the twelve months preceding the date on which the screening is conducted and divide that number by twelve.

2. To calculate the Business Expenses of the Applicant, the financial screener or court must total all of Applicant's Business Expenses from the twelve months preceding the date on which the screening is conducted. Then, that total must be divided by twelve to arrive at a monthly Business Expense.

3. To calculate the Net Income of the Applicant, the financial screener or court must subtract the Business Expenses calculated in paragraph two, above, from the Income generated from the business calculated in paragraph one, above.

SECTION 3. Procedure for Determination of Financial Eligibility.

~~c. (4) employment, including loan payments on a vehicle used to get to work and uniforms required by the employer;~~

~~(5) debts, including minimum payments on credit card debt and payments on student loans and long term (longer than 6 months) personal loans.~~

~~Expenses for items not listed above should not be included in the calculation of necessary monthly expenses.~~

~~2. Procedure for determining financial eligibility and amount of reimbursement. The following procedures shall be used for determining financial eligibility and the amount of any reimbursement obligation:~~

1. ~~A.~~If the Applicant receives a Means-Tested Benefit, they are indigent for the purposes of assigning counsel and no further inquiry is necessary.

~~Determine gross income and assets of the applicant and all members of the applicant's family unit.~~

2. If the Applicant does not receive a Means-Tested Benefit, the financial screener or court must calculate the Applicant's Cash Assets. If the Applicant's Cash Assets and Other Assets exceed the Estimated Retained Counsel Cost, the Applicant is not indigent for purposes of assigning counsel, unless a court determines that extraordinary circumstances which justify assigning counsel exist.

3. If the Applicant does not receive a Means-Tested Benefit and their Cash Assets do not exceed the Estimated Retained Counsel Cost, the financial screener or court must calculate the Applicant's Net Income. If the Applicant's Net Income is at or below 200% of the federal poverty level, the Applicant is indigent for purposes of assigning counsel and no further inquiry is necessary.

4. If the Applicant does not receive a Means-Tested Benefit and their Net Income exceeds 200% of the federal poverty level, they are not indigent and are not eligible for court-appointed counsel at PDS expense.

~~B. If the cash assets of the applicant and the applicant's family unit exceed the amounts set forth below, the applicant is not eligible for assigned counsel. For adult criminal and juvenile cases: $1,000 in cases where the most serious charge alleges a Class D or E crime; $2,000 in cases where the most serious charge alleges a C crime; $3,000 in cases where the most serious charge alleges a B crime; $4,000 in cases where the most serious charge alleges a Class A crime; and $2,500 for child protective cases.~~

~~C. If the applicant's cash assets are less than the amounts above, it is necessary to determine whether the applicant can convert other assets into cash so that the applicant can retain an attorney. If the other assets are such that they can be used to hire an attorney, the applicant is not eligible. If the applicant is or has been converting cash assets into other assets, such as making a large down payment or substantial monthly payments on a motor vehicle or similar item, this fact can be taken into consideration in determining eligibility.~~

~~D. If the applicant's cash and convertible assets equal less than the amounts listed in Paragraph 2, the income amount should be compared to the appropriate amount on the Income Table attached as Appendix A. The Income Table is based on 110% of the federal poverty guidelines and shall be updated by the Commission annually on July 1st. If the income of the applicant and applicant's family unit is less than the appropriate amount on the Income Table, the applicant is eligible for assigned counsel.~~

~~E. In order to determine whether the applicant can reimburse the State for the expense of assigned counsel, compare the monthly income of the applicant with the applicant's necessary monthly expenses. If income exceeds necessary monthly expenses, the applicant should be required to make periodic payments based on the amount by which income exceeds necessary expenses to reimburse the State for the cost of assigned counsel. Payments should be required up~~

~~to an amount equal to the maximum fee set by the Commission for the type of case for which counsel is assigned. Maximum fees are set forth on Appendix B. Cash and convertible assets that are available but are insufficient to disqualify an applicant under subsection 2 should also be considered when determining whether an applicant can make reimbursement and the amount of reimbursement.~~

~~F. Applicants whose income exceeds 110% of the federal poverty guidelines may be eligible for assigned counsel if they have extraordinary necessary monthly expenses that render them unable to retain counsel. In such cases, an order for reimbursement should be entered unless the interests of justice demand otherwise.~~

~~G. In any case where a person represented by assigned counsel subsequently retains counsel, the court should, when granting assigned counsel leave to withdraw, order the person to reimburse the State for amounts expended for representation by assigned counsel prior to the entry of appearance of retained counsel.~~

~~SECTION 2. BAIL~~

~~1. In all cases where a criminal defendant represented by assigned counsel has posted cash bail that has not been designated the property of another pursuant to 15 M.R.S.A. §1074(1), the bail should be ordered set-off pursuant to 15 M.R.S.A. §1074(3)(c) to reimburse counsel fees and other expenses paid by the state for representation in the proceeding in which bail is posted or in any unrelated proceeding.~~

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

EFFECTIVE DATE:
June 23, 2012 – filing 2012-173

ADMINISTRATIVELY RECODIFIED from 94-649 C.M.R. Ch. 401 to 94-649 C.M.R. Ch. 9:
April 2, 2026

APPENDIX A

INCOME TABLE FOR DETERMINATION OF ELIGIBILITY FOR ~~ASSIGNED COUNSEL~~COUNSEL AT PDS EXPENSE

200% OF THE FEDERAL POVERTY LEVEL

Family Size	Gross Annual Income	Monthly Gross	Weekly Gross
1	$31,920.00~~$17,556.00~~	$2,660.00~~$1,463.00~~	$613.85~~$337.62~~
2	$43,280.00~~$23,804.00~~	$3,606.67~~$1,983.67~~	$832.31~~$457.77~~
3	$54,640.00~~$30,052.00~~	$4,553.33~~$2,504.33~~	$1,050.77~~$577.92~~
4	$66,000.00~~$36,300.00~~	$5,500.00~~$3,025.00~~	$1,269.23~~$698.08~~
5	$77,360.00~~$42,548.00~~	$6,446.67~~$3,545.67~~	$1,487.69~~$818.23~~
6	$88,720.00~~$48,796.00~~	$7,393.33~~$4,066.33~~	$1,706.15~~$938.38~~
7	$100,080.00~~$55,044.00~~	$8,340.00~~$4,587.00~~	$1,924.62~~$1,058.54~~
8	$111,440.00~~$61,292.00~~	$9,286.67~~$5,107.67~~	$2,143.08~~$1,178.69~~
For each additional person add	$11,360~~$6,248.00~~	$946.67~~$520.67~~	$218.46~~$120.15~~

~~**Allowable Cash Assets**~~	
~~Class A~~	~~$4,000~~
~~Class B~~	~~$3,000~~
~~Class C~~	~~$2,000~~
~~Class D & E~~	~~$1.000~~
~~Protective Custody~~	~~$2,500~~

~~APPENDIX B~~

~~MAXIMUM FEES FOR VARIOUS CASE TYPES~~

~~FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COMMISSION ASSIGNED COUNSEL~~

~~Type~~	**~~Amount~~**
~~Class A~~	~~$2,500.00~~
~~Class B & C (against person)~~	~~$1,875.00~~
~~Class B & C (against property)~~	~~$1,250.00~~
~~Class D & E (Superior or UCD)~~	~~$625.00~~
~~Class D & E (District Court)~~	~~$450.00~~
~~Post-Conviction Review~~	~~$1,000.00~~
~~Probation Revocation~~	~~$450.00~~
~~Miscellaneous~~	~~$450.00~~
~~Juvenile~~	~~$450.00~~
~~Child Protective~~	~~$750.00~~
~~Termination of Parental Rights (with hearing)~~	~~$1,050.00~~
~~Application for Involuntary Commitment~~	~~$350.00~~
~~Petition for Emancipation~~	~~$350.00~~
~~Petition for Modified Release Treatment~~	~~$350.00~~
~~Petition for Release or Discharge~~	~~$350.00~~
~~Criminal Direct Appeals & Appellate work~~	~~$1,000.00~~
~~Unsuccessful Application for Certificate of Probably Cause~~	~~$750.00~~

APPENDIX B

ESTIMATED RETAINED COUNSEL COST:

1. For adult criminal cases:

    i. $4,000 in cases where the most serious charge alleges a Class D or E crime.

    ii. $10,000 in cases where the most serious charge alleges a Class B or C crime.

    iii. $12,000 in cases where the most serious charge alleges a Class A crime.

    iv. $78,200.00 in cases where the most serious charge alleges a homicide offense.

2. For child protection cases, $10,000.

94-649 MAINE COMMISSION ON PUBLIC DEFENSE SERVICES (PDS)

Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR PAYMENT OF COUNSEL

Summary: This Chapter establishes an hourly rate, fee schedule, and ~~and~~ administrative procedures for payment of Counsel. ~~The Chapter sets a standard hourly rate and fee amounts that trigger presumptive review for specific case types.~~ The Chapter also establishes rules for the payment of ~~mileage and other~~ expenses that are eligible for reimbursement by the Commission. Finally, this Chapter requires that all vouchers for attorney fees and reimbursable expenses must be submitted using ~~the~~ PDS' E~~e~~lectronic C~~c~~ase M~~m~~anagement S~~s~~ystem.

SECTION 1. DEFINITIONS.

1. PDS or Commission. "PDS" or "Commission" means the ~~Commissioners of the Maine Commission on Public Defense Services.~~ 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. For the purposes of this Chapter, "Counsel" does not include Employed Counsel or Public Defenders.

4. Employed Counsel. "Employed Counsel" means an attorney employed by the Commission to provide legal services directly to persons who are eligible to receive indigent legal services in civil proceedings.

5. Public Defender. "Public Defender" means an attorney employed by the Commission to provide legal services directly to persons who are eligible to receive indigent legal services in criminal and juvenile proceedings.

6. Home Court. "Home Court" means the physical location of the court in closest proximity to Counsel's office or reasonably accessible private meeting space as contemplated by 94-649 C.M.R. ch. 2, Section~~§~~ 3.

7. Homicide. "Homicide" has the same meaning as in 94-649 C.M.R. ch. 3.

8. Commission Liaison. "Commission Liaison" means the attorney who performs services for clients as part of the specialty court team but who has not otherwise been appointed to represent a specific client in a specific docket.

9. Interim Voucher. "Interim Voucher" means any voucher submitted in a case before Counsel's professional responsibility in a matter ends.

10. ~~Particular Client Assignment~~Particular Client Assignment. "~~Particular Client Assignment~~Particular Client Assignment" means an assignment of Counsel to represent a particular client in a particular matter either by PDS or a court under Rule 44 of the Maine Rules of Unified Criminal Procedure or Rule 88 of the Maine Rules of Civil Procedure. For the purpose of this Rule a "particular matter" is a matter described by a particular docket number in a court.

11. Days. "Days" means calendar days.

~~1. 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.~~

~~2. Paralegal Services. "Paralegal Services" means specifically delegated substantive legal work for which a lawyer is responsible.~~

~~3. Secretary. "Secretary" means a person who is employed or retained by a lawyer, law office, corporation, government agency, or other entity to provide Secretarial Services.~~

~~4. Secretarial Services. "Secretarial Services" means staff support services other than Paralegal Services.~~

12. Resource Counsel. "Resource Counsel" means counsel designated eligible to serve as Resource Counsel pursuant to 94-649 C.M.R. ch. 3~~Chapter 3 of the Commission Rules~~.

13. Final Voucher. "Final Voucher" means and includes the voucher required by Section 6 of this Chapter to be submitted within 90 days of a ~~terminal case event~~Terminal Case Event.

14. Supplemental Voucher. "Supplemental Voucher" means any voucher submitted for work performed by Counsel on behalf of their indigent client after the ~~terminal case event~~Terminal Case Event has occurred.

15. Case. "Case" means an ~~Particular Client~~ Assignment as defined by this Chapter.

16. Assignment. "Assignment" means a case or L~~l~~awyer of the D~~d~~ay assignment made by a court or the Commission, and S~~s~~pecialty C~~c~~ourt L~~l~~iaison or R~~r~~esource C~~c~~ounsel assignments made by the Commission.

17. PDS' Electronic Case Management System. "PDS' Electronic Case Management System" means the electronic case management, billing, voucher, assignment, and records

platform for the administration of C~~c~~ounsel services, including the entry of case information, time records, expenses, vouchers, assignments, and related data.

18. Terminal Event Date. "Terminal Event Date" means the order, decision or judgment that signifies the final resolution of a Particular Client Assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case.

SECTION 2: APPLICABILITY.

1. This Chapter applies to ~~all Assigned Counsel and Contract Counsel.~~Counsel.

SECTION 3: REQUIREMENTS OF COUNSEL.

1. Timekeeping and Recordkeeping:

A. Contemporaneous Timekeeping. Counsel shall record their time at the time work is performed or as soon thereafter as practicable, but in no event later than the end of the day on which the work was performed, exceptional circumstances as determined by the Executive Director.

B. Independent Daily Log Recordkeeping. Counsel shall maintain timekeeping records independent of the PDS electronic case management system. Those records must be maintained as a daily log where all time events from a particular date are recorded on that date's log.
~~AB. Counsel shall record time on a daily basis. Time shall be contemporaneously recorded.~~
~~Contemporaneous means recorded at the time work is performed or as soon thereafter as practicable, but in no event later than the end of the day on which the work was performed was performed, exceptional circumstances as determined by the Executive Director.~~

~~B~~
~~B. Counsel shall record time on a daily basis. Time shall be contemporaneously recorded.~~

~~(1) Contemporaneous means recorded at the time work is performed or as soon thereafter as practicable, but in no event later than the end of the day on which the work was performed was performed, exceptional circumstances as determined by the Executive Director.~~

C. Timekeeping records must be sufficiently detailed to permit independent review and verification of the work performed and shall include, at a minimum:

(1) Client name;

(2) Docket number;

(3) Date of service;

(4) Detailed description of work performed;

(5) Duration of the work performed, recorded in actual minutes worked and capable of conversion to tenths of an hour for billing purposes; and

(6) The name of the individual who performed the work.

D. Timekeeping records shall be legible, organized chronologically, and capable of being provided electronically to PDS upon request.

E. Counsel shall preserve all timekeeping records for the period required by the Maine Rules of Professional Conduct.

F. Upon request, Counsel shall promptly provide timekeeping records to PDS for audit, monitoring, investigation, quality review or other authorized purposes.

G. Failure to maintain records as required by this Chapter creates a rebuttable presumption that disputed time entries are not compensable.

2. Actual Time Requirement.

A. Counsel may only record and seek payment for actual time spent performing compensable work ~~on an Assignment.~~ . The sole exception to this is for Lawyer of the Day minimum fees as provided by Section 4(2) herein.

B. Counsel shall not bill based upon standardized increments, presumptive values, estimates, averages, customary durations, minimum billing units, or other billing methodologies that do not reflect actual time spent.

C. Counsel shall not divide a single task into multiple time entries when the task was performed as one continuous activity and division would result in an overstatement of time.

D. If multiple emails and/or texts occur on the same day concerning the same client and recipient, those communications shall be aggregated into a single time entry reflecting the actual time spent. Examples include without limitation:

(1) Review of Emails/Text Messages: If Counsel reviews multiple emails and text messages regarding one client in a single day, Counsel shall bill

that as one entry and may only bill for the actual time that it took to review those correspondences.

(2) Preparation of Emails: If Counsel sends multiple emails regarding one client on a single day, Counsel shall bill that as one entry for the actual time spent. Since it is likely that the preparation of emails is the main billing event in that sequence, Counsel should use the "Prepare Email" event option to describe this activity. If there are multiple emails contained within a single billing event, Counsel should include a time entry comment listing the number of emails.

E. Block Billing. Counsel shall not engage in block billing that prevents meaningful review of the time spent on individual tasks. Counsel shall not combine substantively different legal tasks performed on the same date into a single time entry.

3. PDS' Electronic Case Management System:

A. Counsel shall open cases in PDS' Electronic Case Management System within seven (7) days of receiving the actual or constructive notice of appointment.

B. Counsel shall enter time into PDS' Electronic Case Management System no later than thirty (30) days after the date on which the work was performed.

(1) Time entered more than thirty (30) days after the work was performed creates a rebuttable presumption that the time is not compensable.

C. Counsel shall not enter time into PDS' Electronic Case Management System before the work has been performed.

(1) Time entered before the work was performed creates a rebuttable presumption that the time is not compensable.

D. Time entered into PDS' Electronic Case Management System shall accurately reflect the underlying timekeeping records maintained pursuant to this Section.

E. Time entered in PDS' Electronic Case Management System shall accurately reflect the name of the person who performed the work.

F. Counsel shall submit vouchers in accordance with the requirements of this Chapter.

4. Certifications:

A. Information entered in PDS' Electronic Case Management System constitutes the good faith representation of C~~c~~ounsel that the information is accurate; reflects the actual time spent; complies with all Commission rules; and complies with the Maine Rules of Professional Conduct, including but not limited to, Maine Rule of Professional Conduct 1.5~~(f)~~.~~.~~

B. Counsel shall be personally and exclusively responsible for the~~ir~~ PDS' Electronic Case Management System~~ account~~ ~~assigned to that attorney~~account assigned to them. Each ~~attorney~~Counsel shall personally maintain access to that account. ~~No attorneyCounselNo~~ Counsel may not permit any other person to use ~~the~~their account, nor may any attorney provide any other person with that attorney's login credentials.

C. Counsel's staff may be provided their own account to PDS' Electronic Case Management System upon a written request of Counsel. Counsel shall ensure that each staff member is~~be~~ personally and exclusively responsible for and maintain access to their ~~Eelectronic Ccase Mmanagement Ssystem~~ account~~ assigned to that staff member~~. ~~Counsel shall ensure that each staff member personally maintain access to that account.~~ Counsel shall ensure that no staff member permit any other person to use the account, nor may any staff member provide any other person with that staff member's login credentials. Counsel is responsible for ensuring the accuracy of all data entered into PDS' E~~e~~lectronic C~~c~~ase M~~m~~anagement S~~s~~ystem, whether entered by Counsel or their staff.

5. ~~Multiple Dockets with the Same Client~~Clients with Multiple Cases. When Counsel submits vouchers for multiple cases on behalf of the same client that were worked on and resolved simultaneously:

A. Counsel shall designate one lead docket and record shared work on that docket.

B. Time shall not be duplicated across multiple dockets.

C. Case-specific work may be billed to the individual docket in which the work was performed.

D. All vouchers referenced in this Subsection shall be submitted on the same day.

6. Payment & Reimbursement of Expenses for Creating File for Client.

A. Counsel may submit a voucher for reasonable time and expenses incurred in copying, scanning, or otherwise reproducing a client's file when providing the file to the client or successor counsel, regardless of when the client requests the file.

B. Compensation for time shall be billed at the hourly rate established in this Chapter.

C. Reimbursement for copying or scanning expenses shall be subject to the same limits and documentation requirements set forth in this Chapter, including the exclusion of the first 100 pages of any single print or copy job.

D. Vouchers for compensation under this Subsection may be submitted as a Supplemental Voucher associated with the original Particular Client Assignment.

7. Payment & Reimbursement of Expenses for Work Performed in a Post Conviction Review Matter for a Former Client.

A. If Counsel is subpoenaed or otherwise required to perform work in a post-conviction review proceeding concerning a case in which the Counsel previously represented the petitioner, the Counsel may seek compensation for the time and expenses reasonably incurred in connection with such testimony.

B. Compensation for time shall be billed at the hourly rate established in this Chapter. Travel and related expenses shall be reimbursed in accordance with this Chapter.

C. Vouchers for compensation under this Subsection shall be submitted as a Supplemental Voucher associated with the original Particular Client Assignment.

SECTION ~~2~~4. HOURLY RATE OF PAYMENT.

1.~~1.~~ Effective March 1, 2023:

A. A rate of One Hundred Fifty Dollars ($150.00) per hour is authorized for time spent by Counsel, and billed using PDS electronic case management system, on an assigned case on or after March 1, 2023.

B. A rate of Eighty Dollars ($80.00) per hour remains authorized for time spent on an assigned case between July 1, 2021 and February 28, 2023.

C. A rate of Sixty Dollars ($60.00) per hour remains authorized for time spent on an assigned case between July 1, 2015 and June 30, 2021.

~~D. A rate of Fifty-five Dollars ($55.00) per hour remains authorized for time spent on an assigned case between July 1, 2014 and June 30, 2015.~~

~~E. A rate of Fifty Dollars ($50.00) per hour remains authorized for time spent on an assigned case between the inception of the Commission and June 30, 2014.~~

2. Lawyer of the Day, Minimum Fees:

A. Counsel may bill a minimum fee of three (3) hours for appearances as Lawyer of the Day~~, or Commission Liaison in specialty or diversionary courts or programs.~~. A single minimum fee may be charged for each appearance at which Counsel serves. If Counsel serves as Lawyer of the Day for a morning session that continues into the afternoon, that will be one appearance. If Counsel serves as Lawyer for the Day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances. Vouchers seeking the minimum fee must show the actual time ~~expended~~spent and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged per appearance regardless of the number of clients consulted at the request of the court.

SECTION 5: COMPENSABLE TIME AND EXPENSES.

1. Compensable Time. Counsel is eligible for compensation by PDS for reasonable and necessary legal services that directly advance the representation of an assigned client, subject to the limitations of this Chapter. The burden is on Counsel to demonstrate that claimed time directly advanced the representation.

2. Expenses. PDS may reimburse reasonable and necessary litigation and case-related expenses authorized by this Chapter. Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed.

A. Mileage. Mileage reimbursement shall be made at the State rate applicable to confidential State employees on the date of the travel.

(1) Mileage reimbursement will not be paid for travel to and from a Counsel's Home Court.

B. Tolls.

C. Parking. Necessary parking fees associated with multi-day trials and hearings will be reimbursed.

D. Non-Routine Office Expenses. Itemized, necessary, non-routine expenses may be paid by PDS after review. Non-routine office expenses include without limitation: overnight and express postage; collect phone calls; copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page; printing/copying/binding of legal appeal brief(s).

E. Expert and Investigator Expenses. Other non-routine expenses for payment to third parties, (*e.g.*, investigators, interpreters, medical and psychological experts, testing, depositions, etc.) will only be paid pursuant to 94-649 C.M.R. ch. 302.

F. Witness, Subpoena, and Service Fees. Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. Counsel should not advance these costs. These costs shall not be included as a voucher expense without prior consent from the Executive Director.~~. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.~~

SECTION 6: LIMITATIONS ON PAYMENT OF TIME AND EXPENSES.

1. Annual Billable Hours Limit:

A. Counsel shall not be compensated for more than two thousand five hundred (2,500) hours of billable time during a state fiscal year (July 1-June 30). At 52 weeks per year, 2,500 billable hours equates to approximately 48 billable hours every week of the year

B. For purposes of this Section, billable time includes all compensable attorney hours recorded in PDS' Electronic Case Management System, regardless of whether the time relates to an Assignment, training provided by PDS, Lawyer of the Day services, Resource Counsel services, Commission Liaison, and specialty court services.

C. Counsel shall be exclusively responsible for keeping track of their compensation and billable hours.

D. Upon reaching two thousand five hundred (2,500) billable hours in a fiscal year, Counsel shall not accept any new case assignments.

E. Nothing in this Section relieves Counsel of any professional or ethical obligation owed to existing clients. Counsel shall continue to provide competent, diligent, and zealous representation to all clients for whom Counsel has already accepted an assignment, notwithstanding the fact that the annual compensation limit has been reached.

F. The annual billable hours limit established in this Section shall apply only to time incurred on or after July 1, 2027.

2. Limitations on Travel Time:

A. Designation of Primary Office Location. Upon registration and annual renewal with PDS, Counsel must designate their primary office location. If Counsel has more than one office, they must designate a primary office to be used for the purpose of this Section. Counsel's designated primary office location determines their Home District.

(1) The districts are as follows:

(a) York County
(b) Cumberland County
(c) Oxford, Franklin, and Androscoggin Counties
(d) Kennebec and Somerset Counties
(e) Penobscot, Piscataquis Counties
(f) Sagadahoc, Lincoln, Knox, and Waldo Counties
(g) Hancock and Washington Counties
(h) Aroostook County.

B. Travel Time on Assignments within Home District. Counsel may be compensated for travel time to and from all courts within their Home District.

C. Travel Time on Assignments Outside of Home District. Counsel may accept Assignments from courts outside of their Home District but will only be compensated for a maximum of one hour of travel time, each way, for each trip to court.

(1) Exceptions to Travel Time on Assignments Outside of Home District.

(a) Counsel may be compensated for travel time for client visits or any other purpose.

(b) This limitation does not apply to Homicide cases, post-conviction review cases, or appeals to the Maine Supreme Judicial Court.

(c) This limitation does not apply to situations in which a current client has a new case outside counsel's Home District. Counsel may be paid full travel time in those cases, subject to other relevant provisions of the Commission rules.

D. Waiver of Travel Time Limitations. The Executive Director has the discretion to grant a waiver of the travel time limitation imposed by this Subsection. To request a waiver, counsel must submit a request on a form provided by PDS prior to acceptance of the Assignment.

3. Out-of-State Travel, Overnight Travel, and Associated Expenses. All out-of-state travel, overnight travel, and any associated expenses must be approved by the Executive Director in writing prior to incurring the expense.

A. Reimbursement will be subject to the State's per diem maximum rate policies.

B. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.

~~4. Expenses.~~

~~A. Mileage. Mileage reimbursement will not be paid for travel to and from a Counsel's Home Court.~~

~~B. Routine Office Expenses, including without limitation postage other than overnight and express postage, telephone, cell telephone, fax, office overhead, utilities, the first 100 pages of any one print or copy job, local phone calls, and office supplies.~~

SECTION 7: NON-COMPENSABLE ~~PAYMENT OF~~ TIME AND EXPENSES.

1. Non-Compensable Time. Unless otherwise authorized by this Chapter, Counsel shall not seek compensation for and will not be compensated for:

A. Administrative activities, including without limitation:

(1) Timekeeping.

(2) Entering time or other data into PDS' Electronic Case Management System or any other timekeeping software.

(3) Preparing, reviewing, editing or submitting vouchers.

(4) Reviewing billing records.

(5) Responding to PDS inquiries related to monitoring and performance evaluations, investigation of complaints, billing discrepancies, or other information.

(6) Maintaining office records.

(7) Creating files or closing files.

(8) Counsel's obligations pursuant to Maine Rules of Professional Conduct 5.1.

(9) Office management activities.

B. Duplicative activities, including without limitation:

(1) Multiple billings for substantially identical work.

(2) Unnecessary duplication of correspondence or other work.

(3) Reviewing an ~~an "Attached please find"~~ email and the attached document separately. Counsel may only bill for actual time spent.

C. Work that could not provide any substantial benefit to the client or representation.

D. Work that is generated for the sole or primary purpose of generating billable hours.

2. Expenses, including without limitation:

A. Single-day parking fees.

B. Parking tickets, fines, and/or fees for other violations will not be reimbursed.

C. Mileage. Mileage reimbursement will not be paid for travel to and from Counsel's Home Court.

D. Routine Office Expenses, including without limitation postage other than overnight and express postage, telephone, cell telephone, fax, office overhead, utilities, the first 100 pages of any one print or copy job, local phone calls, and office supplies.

SECTION 8. ADMINISTRATION.

1. Quarterly Billing – Timing Requirements.

A. Quarterly Billing Required. Counsel shall submit vouchers for every assigned docketnumber at least once each calendar quarter, in accordance with the schedule below. For example, for work performed between January 1~~, 2028~~-March 31~~, 2028~~, a voucher with those time entries and expenses must be submitted on or before June 30 of that same year. ~~, 2028.~~

Work Performed	**Voucher Due**
January 1st-March 31st	June 30th
April 1st-June 30th	September 30th
July 1st-September 30th	December 31st
October 1st-December 31st	March 31st

B. Late Submissions. Vouchers not submitted within the timeframes established by this Section are not payable unless an exception is granted pursuant to this Section.

(1) Exception. Counsel may request an exception in writing to the PDS Audit Director or their designee by demonstrating that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.

(a) “Reasons outside the actual or constructive control of Counsel” means that the event could not reasonably have been anticipated, prevented, or mitigated by ordinary professional diligence, and the event directly prevented timely submission or compliance.

(i) Reasons outside the actual or constructive control of Counsel may include without limitation: serious medical emergencies, death or critical illness of immediate family members, natural disasters, military or government service, death or incapacity of staff, and technology failures outside of Counsel’s control.

(ii) Reasons not outside the actual or constructive control of Counsel include without limitation: caseload, trial schedule, vacation or planned absences, and office disorganization.

(2) If an exception decision is rendered, Counsel may submit an appeal in writing to the Executive Director, within 10 days of the Audit Director’s decision. A decision on an exception under this Subsection is final agency action.

C. Counsel shall remain responsible for timely submission of vouchers regardless of whether the case remains pending. The pendency of a case shall not constitute good cause for failure to comply with the quarterly billing requirements of this Chapter.

D. Monthly Billing Encouraged. Counsel may submit interim vouchers for payment of counsel fees and expenses associated with a particular~~n~~ Assignment a maximum of once every calendar month, and monthly billing is strongly encouraged to promote timely payment and accurate recordkeeping.

2. Transition to Quarterly Billing. Notwithstanding any other provision of this Chapter, the quarterly billing requirements established herein shall be phased in according to the following schedule:

A. All time incurred prior to January 1, 2024 shall be included on a voucher submitted no later than January 1, 2027.

B. All time incurred between January 1, 2024 and December 31, 2024 shall be included on a voucher submitted no later than July 1, 2027.

C. All time incurred between January 1, 2025 and December 31, 2025 shall be included on a voucher submitted no later than January 1, 2028.

D. All time incurred between January 1, 2026 and December 31, 2026 shall be included on a voucher submitted no later than March 31, 2027.

E. Beginning January 1, 2027, Counsel shall comply with the quarterly billing requirements established by this Chapter for all work performed on or after January 1, 2027.

3. Billing – Timing Requirements. The following provisions shall remain in effect during the phasing in of quarterly billing, on the same schedule as outlined by Section 8(2) herein. Once the date of the time events are governed by the quarterly billing schedule contained in Section 8(2) herein, the timing requirements provided in Section 8(3) no longer apply.

A. Vouchers for payment of counsel fees and expenses associated with a P~~p~~articular Client ~~client a~~Assignment shall be submitted within 90 (ninety) calendar days of a T~~t~~erminal C~~c~~ase E~~e~~vent.

(1) A ~~terminal case event~~Terminal Case Event is the order, decision or judgment that signifies the final resolution of a ~~particular client assignment~~Particular Client Assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case. There can be only one ~~terminal case event~~Terminal Case Event in a ~~particular client assignment~~Particular Client Assignment. ~~Terminal case event~~Terminal Case Events exclusively include:

(a) The order granting a motion to withdraw Counsel;

(b) The entry of dismissal of all charges or petitions; or

(c) Judgment or other final order or decision of the court.

(2) Lawyer of the Day, ~~specialty courts~~Specialty Court Liaison, Resource Counsel, and all other services rendered on behalf of the Commission and not associated with a ~~particular client assignment~~Particular Client Assignment shall be billed within 90 days of the service provided.

B. The period for submitting a voucher established by this Subsection shall run from the date that the ~~terminal case event~~Terminal Case Event is docketed.

(1) Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services performed ~~in specialty courts~~ as a Commission Liaison, Resource Counsel,

or as part of any other PDS-sponsored program are rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.

C. Vouchers not submitted within 90 days of a ~~terminal case event~~Terminal Case Event or the timeframe otherwise established by this Chapter shall be reduced according to the schedule established by this Section below, except on a showing by Counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel. If an exception decision is rendered by the ~~Executive Director's decision-making designee,~~Audit Director, Counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the ~~designee's~~Audit Director's decision. The Executive Director's~~A~~ decision on an exception under this Section is final agency action.

(1) Reduction for Untimely Voucher Submission. The total reduction applied to vouchers submitted after the 90-day deadline is calculated by multiplying the total voucher amount by the applicable percentage according to the schedule established below.

(2) The days elapsed since the relevant ~~terminal case event~~Terminal Case Event are calculated in the same manner as in determining compliance with the 90-day deadline.

(3) Reduction Schedule:

Days After ~~Terminal Case Event~~Terminal Case Event	Reduction
91 – 104	10%
105 – 150	25%
151 – 180	50%
181 or more	100%

(4) Any reduction for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this Section.

~~D. Counsel may submit interim vouchers not more often than once every calendar month per case.~~

E. Sunset of this Section.

(1) Notwithstanding any other provision of this Chapter, the voucher submission requirements and reduction ~~schedule previously~~ contained in ~~Chapter 301~~Section 8(3) shall remain applicable only to vouchers containing time incurred before January 1, 2027.

(2) Effective July 1, 2028, ~~all provisions relating to terminal event billing deadlines, untimely voucher reductions, and associated appeal procedures are repealed and shall no longer apply~~Section 8(3) is repealed. Thereafter, all voucher submissions shall be governed exclusively by the quarterly billing requirements established in Section 8(2).~~.~~

4. Time Entries and Voucher Submission.

A. Detailed Billing. All time on vouchers shall be detailed and accounted for in .10 of an hour increment, rounding up to the nearest .10 of an hour. Each time entry shall identify the purpose of the work performed by selecting the most relevant event option from PDS' Electronic Case Management System.

B. Supplemental Vouchers. If a Particular Client Assignment requires additional, supplemental work be performed by Counsel after the Terminal Case Event occurs, Counsel may submit a Supplemental Voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within 90 days after the ~~a reasonable period of time after the~~ task was completed~~, but no more than 90 days after the work was performed~~. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.

(a) Time for work performed by Counsel before the Terminal Case Event occurred may not be included on a supplemental voucher.

C. Time for work performed by Counsel after the Terminal Case Event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a Terminal Case Event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.

~~A. Detailed Billing. All time on vouchers shall be detailed and accounted for in .10 of an hour increment, rounding up to the nearest .10 of an hour. Each time entry shall identify the purpose of the work performed by selecting the most relevant event option from PDS' Electronic Case Management System.~~

~~B. Supplemental Vouchers. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a~~

~~showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.~~

~~(1) Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.~~

~~C. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.~~

5. Audit/Voucher Review. PDS may conduct audits, investigations and billing reviews of Counsel at any time. Counsel shall fully cooperate. Failure to cooperate constitutes grounds for suspension, removal from eligibility lists, denial of payment or any other authorized action.

A. High Daily Alerts. PDS will generate an alert when Counsel submits time entries exceeding t~~welve~~en (10~~2~~) hours in a single day. The alert will identify the cases in PDS' electronic case management system associated with time entries on that date.

(1) Counsel shall provide a response to the alert.

(2) Counsel's response must address all time entries recorded on the date in question, including entries from cases not yet billed. The response shall:

(a) Confirm the accuracy of the time billed and provide a written explanation of why the billed time exceeded t~~welve~~en (10~~2~~) hours; or

(b) Identify each inaccurate entry and provide corrections as set forth in subsections XXX.

(3) If errors are found in unbilled cases or vouchers not yet submitted, Counsel shall correct the errors in the E~~e~~lectronic C~~c~~ase M~~m~~anagement S~~s~~ystem and document the corrections in the response.

(4) If errors are found in billed cases, Counsel shall remit reimbursement to the Commission in an amount equal to the overbilled time. Counsel may not offset the error by reducing time entries in other matters.

(5) Vouchers containing outstanding high daily alerts will not be paid until a response to the alert is received.

(6) Upon request, Counsel shall provide underlying timekeeping records supporting any date that generated a h~~H~~igh d~~D~~aily a~~A~~lert.

~~B. Presumptive Triggers.~~

~~(1) Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director.~~

~~(2) Vouchers submitted in excess of the trigger for presumptive review must be accompanied by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.~~

~~(3) In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the count assigned with the highest class. In cases where a defendant is charged with multiple unrelated offenses, Counsel shall coordinate and consolidate services as much as possible.~~

~~(4). Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6, below. Any subsequent proceedings, such as probation revocations, will require new application and appointment.~~

~~(5) Upon written request to PDS, a second Counsel may be assigned in a murder or other complicated case, to provide for mentorship, or for other good cause at the discretion of the Executive Director:~~

~~(a) the duties of each Counsel must be clearly and specifically defined, and Counsel must avoid unnecessary duplication of effort;~~

~~(b) each Counsel must submit a voucher to PDS. Counsel should coordinate the submission of vouchers so that they can be reviewed together.~~

~~(6) Trial Court Criminal Fees. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the trigger limit.~~

~~(a) Murder. All murder cases shall trigger presumptive review.~~

~~(b) Class A. $9,400~~

~~(c) Class B and C (against person). $7,500~~

~~(d) Class B and C (against property). $4,700~~

~~(e) Class D and E. $4,700~~

~~(f) [Repealed]~~

~~(g) Post-Conviction Review. $5,600~~

~~(h) Probation Revocation. $2,800~~

~~(i) Miscellaneous (i.e., witness representation on 5th Amendment grounds, etc.). $1,900~~

~~(j) Juvenile. $2,800~~

~~(k) Bindover. applicable criminal class trigger~~

~~(7). District Court Child Protection. Triggering fees, excluding any itemized expenses, for Counsel in child protective cases are:~~

~~(a) Child protective cases. $10,200~~

~~(8) Other District Court Civil. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the triggering fee.~~

~~(a) Application for Involuntary Commitment. $1,900~~

~~(b) Petition for Emancipation. $2,800~~

~~(c) Petition for Modified Release Treatment. $1,900~~

~~(d) Petition for Release or Discharge. $1,900~~

~~(9) Law Court.~~

~~(a) Appellate: $3,750~~

B~~C~~. Upon request by PDS, Counsel shall provide additional information or documentation.

(1) All ~~invoices~~vouchers ~~in~~about which PDS ~~does~~ requests additional information or documentation are deemed ~~an~~ improper invoices until questions satisfactorily answered.

(2) If Counsel fails to respond to a request for additional information within ninety (~~1~~2~~9~~0) days, the voucher shall be denied and is no longer eligible for payment.

~~SECTION 3.EXPENSES.~~ ~~**REPEALED**~~

~~1. **Routine Office Expenses.** Routine office expenses will not be paid by PDS. Routine office expenses include but are not limited to: postage other than overnight and express postage, regular telephone, cell telephone, fax, office overhead, utilities, the first 100 pages of any one print or copy job, local phone calls, parking (except as stated below), and office supplies. Paralegal Services and Secretarial Services may be compensated in accordance with Chapter 301-B.~~

~~2. **Itemized Non-Routine Expenses.** Itemized non-routine expenses, such as discovery from the State or other agency, long distance calls (only if billed for long distance calls by your phone carrier), overnight and express postage, collect phone calls, copy costs for print or copy jobs in excess of 100 pages, beginning with the 101st page, printing/copying/binding of legal appeal brief(s), relevant in-state mileage (as outlined below), tolls (as outlined below), and fees paid to third parties, may be paid by PDS after review. Necessary parking fees associated with multi-day trials and hearings will be reimbursed. Parking tickets, fines, and/or fees for other violations will not be reimbursed.~~

~~3. **Travel Reimbursement.** Mileage reimbursement shall be made at the State rate applicable to confidential state employees on the date of the travel. Mileage reimbursement will be paid for travel to and from courts other than Counsel's home court. Mileage reimbursement will not be paid for travel to and from a Counsel's home court. Tolls will be reimbursed. All out-of-state travel, overnight travel, and any other expense associated with such travel including but not limited to airfare, lodging, and food, must be approved by PDS in writing prior to incurring the expense. Reimbursement will be subject to the State's per diem maximum rate policies with respect to the reimbursement of any expense must be approved by PDS in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.~~

> ~~A. 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.~~

~~4. **Itemization of Claims.** Claims for all expenses must be itemized and include documentation. All expense documentation must be attached to the voucher used to seek reimbursement for the expense claimed. Claims for mileage shall be itemized and include the start and end points for the travel in question.~~

~~5. **Discovery Materials.** PDS will reimburse only for one set of discovery materials per assignment. If Counsel is permitted to withdraw, appropriate copies of discovery materials must be forwarded to new counsel within one week of notice of new counsel's assignment. Counsel may retain a copy of a file transferred to new counsel, or to a client. Counsel shall perform any scanning or make any copies necessary to retain a copy of the file at Counsel's expense. The client owns the file. The original file shall be tendered to new counsel, or to the client, as directed.~~

~~6. **Expert and Investigator Expenses.** Other non-routine expenses for payment to third parties, (*e.g.*, investigators, interpreters, medical and psychological experts, testing, depositions, etc.) shall be approved in advance by PDS. Funds for third-party services will be provided by PDS only upon written request and a sufficient demonstration of reasonableness, relevancy, and need in accordance with PDS rules and procedures governing requests for funds for experts and investigators. See Chapter 302 Procedures Regarding Funds for Experts and Investigators.~~

~~7. **Witness, Subpoena, and Service Fees.** Witness, subpoena, and service fees will be reimbursed only pursuant to the Maine Rules of Court. Counsel should not advance these costs. These costs shall not be included as a voucher expense without prior consent from the Executive Director. Fees for service of process by persons other than the sheriff shall not exceed those allowed by 30-A M.R.S. §421. The same procedure shall be followed in civil cases.~~

~~SECTION 4. PRESUMPTIVE REVIEW~~. **REPEALED**

~~1. Vouchers submitted for amounts in excess of the applicable trigger for presumptive review will be considered for payment after review by the Executive Director or designee. Vouchers submitted in excess of the trigger for presumptive review must be accompanied by an explanation of the time spent on the matter. The explanation shall be set forth in the notes section of a voucher or invoice.~~

~~2. **Trial Court Criminal Fees**~~

~~A. Triggers for presumptive review, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the trigger limit.~~

~~(1) **Murder.** All murder cases shall trigger presumptive review.~~

~~(2) **Class A.** $9,400~~

~~(3) **Class B and C (against person).** $7,500~~

~~(4) **Class B and C (against property).** $4,700~~

~~(5) **Class D and E.** $4,700~~

~~(6) *[Repealed]*~~

~~(7) **Post-Conviction Review.** $5,600~~

~~(8) **Probation Revocation.** $2,800~~

~~(9) **Miscellaneous (i.e., witness representation on 5th Amendment grounds, etc.).** $1,900~~

~~(10) **Juvenile.** $2,800~~

~~(11) **Bindover.** applicable criminal class trigger~~

~~B. In cases involving multiple counts against a single defendant, the triggering fee shall be that which applies to the count assigned with the highest class. In cases where a defendant is charged with multiple unrelated offenses, Counsel shall coordinate and consolidate services as much as possible.~~

~~C. Criminal and juvenile cases will include all proceedings through a terminal case event as defined in Section 6, below. Any subsequent proceedings, such as probation revocations, will require new application and appointment.~~

~~D. *[Repealed]*~~

~~E. Upon written request to PDS, a second Counsel may be assigned in a murder or other complicated case, to provide for mentorship, or for other good cause at the discretion of the Executive Director:~~

~~(1) the duties of each Counsel must be clearly and specifically defined, and Counsel must avoid unnecessary duplication of effort;~~

~~(2) each Counsel must submit a voucher to PDS. Counsel should coordinate the submission of vouchers so that they can be reviewed together.~~

~~3. **District Court Child Protection**~~

~~A. Triggering fees, excluding any itemized expenses, for Counsel in child protective cases are:~~

~~(1) **Child protective cases**. $10,200~~

~~(2) *[Repealed]*~~

~~B. *[Repealed]*~~

~~4. **Other District Court Civil**~~

~~A. Triggering fees in District Court civil actions, excluding any itemized expenses, are set in accordance with this subsection. Counsel must provide PDS with written justification for any voucher that exceeds the triggering fee.~~

~~(1) **Application for Involuntary Commitment.** $1,900~~

~~(2) **Petition for Emancipation.** $2,800~~

~~(3) **Petition for Modified Release Treatment.** $1,900~~

~~(4) **Petition for Release or Discharge.** $1,900~~

~~5. **Law Court**~~

~~A. *[Repealed]*~~

~~B. *[Repealed]*~~

~~C. Appellate: $3,750~~

~~SECTION 5. MINIMUM FEES~~**. REPEALED**

~~1. Counsel may bill a minimum fee of 3 hours for appearances as Lawyer of the Day, or Commission Liaison in specialty or diversionary courts or programs. A single minimum fee may be charged for each appearance at which the Counsel serves. If Counsel serves as Lawyer of the Day for a morning session that continues into the afternoon, that will be one appearance. If Counsel serves as Lawyer for the Day for a morning session and then a subsequent afternoon session with a second appearance time and list, that will be two appearances. Vouchers seeking the minimum fee must show the actual time expended and the size of the minimum fee adjustment rather than simply stating that the minimum fee is claimed. In addition to previously scheduled representation at initial appearance sessions, Lawyer of the Day representation includes representation of otherwise unrepresented parties at the specific request of the court on a matter that concludes the same day. Only a single minimum fee may be charged per appearance regardless of the number of clients consulted at the request of the court.~~

~~SECTION 6. ADMINISTRATION~~**. REPEALED**

~~1. **Timing**~~

~~A. Vouchers for payment of counsel fees and expenses associated with a particular client assignment shall be submitted within 90 (ninety) calendar days of a terminal case event. Lawyer of the Day, specialty courts, Resource Counsel, and all other services rendered on behalf of the Commission and not associated with a particular client assignment shall be billed within 90 days of the service provided.~~
~~B. The period for submitting a voucher established by subsection (1)(A) of this section shall run from the date that the terminal case event is docketed. Services are rendered on Lawyer of the Day assignments on the date Counsel appears in court and serves as Lawyer of the Day. Services in specialty courts as an Commission Liaison, Resource Counsel, or as part of any other PDS-sponsored program are~~

~~rendered on the date the individual tasks were performed as indicated by the date associated with the time entry recorded to account for that time.~~

~~A. C. Vouchers not submitted within 90 days of a terminal case event or the timeframe otherwise established by this Chapter shall be reduced according to the schedule established by subsection (3)(C) of this section below, except on a showing by Counsel that a voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel. If an exception decision is rendered by the Executive Director's decision-making designee, Counsel may submit an appeal in writing to the Executive Director on this issue only, within 10 days of the designee's decision. A decision on an exception under this section is final agency action. (1) (a) (b)~~

~~D. Counsel may submit interim vouchers not more often than once every calendar month per case.~~

~~E. Cases must be entered in the PDS case management system within seven days upon receipt of the Notice of Appointment. If Counsel has been informed that they have been assigned to a case but have not received the Notice of Appointment, Counsel shall exercise due diligence in obtaining a copy of the Notice as soon as possible.~~

~~**2. Terminal Case Events**~~

~~A. A terminal case event is the order, decision or judgment that signifies the final resolution of a particular client assignment such that substantive appearances before the court are no longer necessary to resolve the issues raised by the complaint, indictment, petition, appeal, or other initial pleading that provided the impetus of the case. There can be only one terminal case event in a particular client assignment. Terminal case events exclusively include:~~

~~(1) The withdrawal of Counsel;~~

~~(2) The entry of dismissal of all charges or petitions; or~~

~~(3) Judgment or other final order or decision of the court.~~

~~(4) *[Repealed]*~~

~~**3. Reduction for Untimely Voucher Submission**~~

~~A. The total reduction applied to vouchers submitted after the 90-day deadline is calculated by multiplying the total voucher amount by the applicable percentage according to the schedule established by subsection (3)(C) of this section.~~

~~B. The days elapsed since the relevant terminal case event are calculated in the same manner as in determining compliance with the 90-day deadline.~~

~~C. Reduction Schedule:~~

~~Days After Terminal Case Event~~	~~Reduction~~
~~91 – 104~~	~~10%~~
~~105 – 150~~	~~25%~~

~~151 – 180~~	~~50%~~
~~181 or more~~	~~100%~~

~~D. Any reduction for the untimely submission of a voucher may only be applied after Counsel is provided with an opportunity to request an exception pursuant to subsection (1)(C) of this section.~~

~~4. Voucher Submission~~

~~A. All vouchers must be submitted using the PDS electronic case management system and comply with all instructions for use of the system.~~

~~B. All time on vouchers shall be detailed and accounted for in .10 of an hour increments rounding up to the nearest .10 of an hour. The purpose of each time entry must be specifically stated by using the most relevant time entry category and providing a reasonably descriptive comment/note for each time entry.~~

~~C. Unless otherwise stated in this Chapter, Counsel may only record and seek payment for actual time spent working on Counsel's appointed or assigned cases using the PDS electronic case management system. Counsel may not record a minimum amount for any time entries notwithstanding any previous policy or practice of the Commission.~~

~~D. All expenses claimed for reimbursement must be fully itemized on the voucher. Copies of receipts for payments to third parties shall be retained and appended to the voucher.~~

~~E. If a particular client assignment requires additional, supplemental work be performed by Counsel after the terminal case event occurs, Counsel may submit a supplemental voucher for the work performed after the final voucher is submitted. All time included on a supplemental voucher must be billed within a reasonable period of time after the task was completed. Notwithstanding any other provision of this Chapter, any time included on a supplemental voucher that is not submitted within a reasonable period of time is not payable except on a showing by Counsel that the voucher could not have been timely submitted for reasons outside the actual or constructive control of Counsel.~~

~~A. ()Time for work performed by Counsel before the terminal case event occurred may not be included on a supplemental voucher.~~

~~F. Time for work performed by Counsel after the terminal case event occurred may be included on a final voucher. If a final voucher is submitted greater than 90 days after a terminal case event, the entire voucher will be reduced according to the reduction schedule established by this Chapter including any time for work performed after the terminal case occurred.G.~~ 6. Ancillary Matters. Counsel may be paid for work on an ancillary matter while the PDS case ~~they have been assigned to~~to which they have been assigned is pending, if the work on that ancillary matter is ~~geared towards aiding~~ necessary to assist in the defense of the pending PDS matter.

A. Representation on the collateral matter must further the client's interest in the case to which counsel was assigned. PDS' payment in the collateral matter ends when the case to which counsel was appointed ends.

B. Prior authorization from PDS for payment for work outside the scope of the case to which Counsel was a~~ppointed~~ssigned is required.

~~H. (1) (2) (3)~~

~~B. I. (1) (2) (a) (b) (3) (4) (5)~~

~~**5. Payments & Reimbursement of Expenses for Attending Training**~~

~~A. Payments to attend and reimbursement of expenses incurred incidental to attending trainings are governed by Chapter 7-C.~~

~~B. Vouchers submitted in accordance with Chapter 7-C shall be submitted within 90 calendar days of attending the training.~~

~~C. Notwithstanding any other provision of this Chapter or other Commission rules, untimely vouchers for payment or reimbursement of expenses governed by Chapter 7-C will not be paid.~~

~~6.~~

~~A. B. C. D.~~ ~~7. A. B. C.~~ ~~SVParticular Client Assignment.~~ SECTION ~~7~~9. RESOURCE COUNSEL.

1. Resource Counsel may bill pursuant to Section XXX~~6(4)~~, above, for any billable tasks outlined in subsection ~~2~~ XXX and subject to the limitations in subsection ~~3~~ XXX of this ~~section~~Section.

2. Billable Tasks.

~~A. Meeting with Counsel, Employed Counsel, and Public Defenders upon the written request of the Executive Director.~~

A~~B~~. Meetings and other communications with Counsel, Employed Counsel, and Public Defenders about the practice of law or ethical or legal issues related to assigned cases.

B~~C~~. Assisting Counsel, Employed Counsel, and Public Defenders with drafting documents and with litigation preparation for assigned cases.

C~~D~~. Meetings and other communications with members of the judiciary or prosecution about matters pertaining to indigent representation upon the written request of the Executive Director.

D~~E~~. Preparing and presenting trainings at the request of the Executive Director ~~or Training & Supervision staff~~.

E~~F~~. In-court observation of Counsel if requested by the Executive Director.

F~~G~~. Responding to calls, emails, and/or webform submissions from individuals who contact PDS through the PDS hotline and/or website. This includes:

(1) Communication with the person who called;

(2) Communication with others to address the individual’s matter; and

(3) Limited scope representation undertaken to resolve urgent issues for indigent persons concerning matters for which the person would be entitled to appointment of counsel.

G~~H~~. Other tasks as deemed appropriate by the Executive Director and with prior written authorization of the Executive Director.

3. Limitations.

A. Any services rendered as Resource Counsel must be strictly limited to matters relating to assigned—not retained or pro bono—cases.

B. If Resource Counsel serves as co-counsel on a~~n assigned case~~ Particular Client Assignment, then Resource Counsel must enter the case in the ~~Commission's electronic case management system~~PDS' Electronic Case Management System and bill for it as a typical case, not as Resource Counsel.

C. Prior to preparing a training at the Commission's request, Resource Counsel must have prior written authorization from the Executive Director, which must include a cap on the maximum number of hours the Commission will pay Resource Counsel to prepare and present the training.

D. Resource Counsel must be licensed to practice law in Maine and eligible to accept PDS case assignments at all times while performing Resource Counsel duties. Resource Counsel will not be paid for work done unless Resource Counsel is licensed to practice law in Maine and eligible to accept PDS case assignments.

E. As a condition of the opportunity to serve as Resource Counsel, Resource Counsel must maintain detailed records of the services they perform and provide copies of those records to PDS upon request. At a minimum, those records must include:

(1) The number of attorneys to whom Resource Counsel services are rendered; and

(2) A running log of the number of hours Resource Counsel spends on:

(a) Rendering general Resource Counsel services to attorneys;

(b) Rendering client-specific services; and

(c) Preparing and presenting trainings.

F. Resource Counsel will not be paid for billing more than 40 hours in one seven-day period.

G. Resource Counsel do not develop any property interest in the opportunity to serve in that role. There is no guarantee that PDS will provide any number of hours to Resource Counsel.

H. Resource Counsel may not incur any expenses of any type on behalf of PDS without prior written approval from the Executive Director.

4. Counsel may bill pursuant to Section ~~6(4)~~XXX, above, for time spent receiving the services of Resource Counsel.

SECTION ~~8~~10. NON-PAYMENT BASED ON MISCONDUCT.

1. The Executive Director may withhold payment of some or all of Counsel's vouchers during the pendency of any investigation of Counsel if the Executive Director has reason to believe that Counsel violated any Commission Rule or any of the Maine Rules of Professional Conduct.

2~~1.~~ If, upon investigation, the ~~Counsel submits a voucher for work completed that, upon investigation, the~~ Executive Director concludes that Counsel violated any ~~of the Maine Rules of Professional Conduct or Commission Rules~~Commission Rule or a Maine Rule of Professional Conduct, ~~the voucher may be rejected in whole or in part and the Executive Director may deny payment for the same. Pursuant to 4 M.R.S. § 1804(3)(J), a decision of the Executive Director pursuant to this subsection constitutes final agency action.~~ the Executive Director may withhold or deny payment, in whole or in part, of some or all of Counsel's vouchers.

~~2. The Executive Director may withhold payment during the pendency of an investigation if the Executive Director has reason to believe counsel is not in compliance with this Chapter.~~

~~3. The Executive Director may withhold payment if, upon investigation, the Executive Director determines Counsel has violated any PDS rule or Maine Rules of Professional Conduct.~~

~~1.~~ 34. Pursuant to 4 M.R.S. § 1804(3)(J), a decision of the Executive Director pursuant to this S~~s~~ubsection constitutes final agency action.

STATUTORY AUTHORITY:
4 M.R.S. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D); 4 M.R.S. § 1805(12).

EFFECTIVE DATE:
August 21, 2011 – filing 2011-283

AMENDED:

March 19, 2013 – filing 2013-062
July 1, 2013 – filing 2013-150 (EMERGENCY)
October 5, 2013 – filing 2013-228
July 1, 2015 – filing 2015-121 (EMERGENCY)
June 10, 2016 – filing 2016-092
July 21, 2021 – filing 2021-149 (EMERGENCY)
January 17, 2022 – filing 2022-007
June 23, 2022 – filing 2022-100 (Final adoption, major substantive)
February 24, 2023 – filing 2023-028 (Emergency adoption)
September 1, 2023 – filing 2023-122 (Final adoption, major substantive)
September 1, 2024 – filing 2024-204

NONSUBSTANTIVE EDITS:

September 3, 2024 (Addition of a statutory citation in Section 8, subsection 1 of the rule, as well as in the statutory authority/rule history section).

APAO ACCESSIBILITY CHECK: July 24, 2025

APAO ACCESSIBILITY CHECK: August 14, 2025

AMENDED:

August 17, 2025 – filing 2025-159

NONSUBSTANTIVE CORRECTIONS (cross-reference update):

April 2, 2026