

**MAINE COMMISSION ON
PUBLIC DEFENSE SERVICES**

May 19, 2026

**Commissioner's
Meeting Packet**

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

MAY 19, 2026 MEETING AGENDA

- 1) Approval of the April 14, 2026 Commission Meeting Minutes
- 2) Executive session pursuant to 1 MRS § 405(6)(E) to discuss pending or contemplated litigation
- 3) Report of the Executive Director
 - a. Operations report
 - b. Staffing update
 - c. Employed caseload and evaluation standards
 - d. Civil Commitment/WRO cases update
- 4) Update from District Defenders
- 5) Rulemaking discussion
 - a. Regulatory agenda
 - b. Chapter 6
 - c. Chapter 7-D
- 6) Set Date, Time and Location of Next Regular Meeting of the Commission
- 7) Public Comment

**Maine Commission on Public Defense Services
Commissioners Meeting April 14, 2026**

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

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

Agenda Item	Discussion / Outcome
Public Hearing: Proposed Rule Chapter 70	Acting Chair Alexander opened a public hearing on the proposed rule relating to the hiring of paralegals and secretaries. Notice for the hearing was posted as required. Executive Director Tarpinian explained that the rule (formerly Chapter 301-B) grants the executive director discretion to exceed the 20-hour limit for paralegal time and repeals the sunset provision. No members of the public offered testimony in person or via Zoom. The deadline for written comments is 5:00 PM on April 27, 2026.
Executive Session	Commissioner O'Connor moved to go into executive session pursuant to 1 M.R.S. § 4056(E) to discuss pending litigation. Commissioner Jordan seconded. All voted in favor.
Approval of Minutes	Commissioner Soucy moved to approve the March 9, 2026 meeting minutes. Commissioner O'Connor seconded. Minutes were approved unanimously.
Operations Report of the Executive Director	Billing/Voucher Update: • Year-to-date, new cases decreased by 4.9%, which may be attributed to changes in how child protective cases are being billed (no longer submitted as separate case entries). • March was identified as an outlier month due to a massive surge in voucher submissions following a March 11th notification to the bar warning that PDS would be out of money. • The average price per voucher is down, suggesting more frequent submissions for lower amounts, which is a desired trend. • Over the last nine months, the paid hours are up over 12%. However, March hours alone were up 66.4%. Staffing: • Open paralegal position in Augusta and an opening for an AD II in Aroostook. • Proposing to use a vacancy that was posted and unfilled for a Penobscot AD II position to fill an urgent need in the Auditing Department in Central Office. This would be an attorney position that would focus on investigations of vouchers. Title IV-E • Title IV-E Funding: Executive Director Tarpinian reported that a productive meeting had been held with the head of the Office of Child and Family Services (OCFS).

	• OCFS supports partnering to access federal Title IV-E funds (a federal program, not a grant) for counsel fees, which Maine has not previously attempted to draw down. • PDS plans to seek a contract with a specialized agency to help with accessing these funds. • Next steps include drafting MOUs with DAFS and other agencies to manage the money flow. • Commissioner Kilgore expressed excitement, noting that even tens of thousands of dollars would be a significant help given the past budget crisis. • Commissioner O'Connor asked about parent eligibility. Executive Director Tarpinian noted that hiring an agency to determine eligibility puts safeguards into place to help ensure compliance. Caseload Standards • Executive Director Tarpinian shared approximately 1,800 pages of research split into folders covering other states' studies, scholarly articles, ABA best practices, 2023 PDS data, and other relevant information. Executive Director Tarpinian is working on an executive summary of the information. • New Hampshire deployed new caseload standards last July. Executive Director Tarpinian will follow up with New Hampshire in July to see how the first year of implementation went. • Discussion focused on: • Accountability vs. Privacy: Performance Improvement Plans (PIPs) must remain confidential and cannot be discussed in public forums. • Acting Chair Alexander noted that different court practices, judicial styles, staffing challenges, and prosecutorial districts make a single statewide standard difficult to implement. • Commissioner Kilgore added that rigid public metrics could inadvertently expose health issues if an attorney is on modified leave or has a smaller caseload for medical reasons. • Commissioner Soucy argued against Amazon warehouse style tracking, stating that experienced defenders and supervisors should be allowed to manage based on professional judgment rather than being beholden to numbers. • Litigation Risks: Executive Director Tarpinian warned that rigid quota systems, like those previously used in Oregon, have historically led to long-term litigation and professional responsibility conflicts.
District Defender Report	District Defender Toby Jandreau highlighted the striking regional differences in court styles, bail practices, and dispositional conferences across Maine. Acting Chair Alexander noted that one significant difference is that judges used to move around more than they currently do. If there was a district that

	was behind on cases, a judge from a different area would come to that courthouse and help with the backlog.
Budget & Legislative Update	Legislative Update • Funding needed was granted to PDS avoiding a budget shortfall. • LD 2193 and LD 2195 were enacted, addressing the appointment of non-PDS attorneys and consent procedures. This sunsets April 2027 and puts parameters around who the judicial branch can appoint if they are not rostered PDS attorneys, including they may not be appointed if they are suspended by PDS. • LD 2194: This bill, which would have transitioned responsibility for involuntary commitments and other case types back to PDS, unexpectedly died in the legislature. Executive Director Tarpinian expressed disappointment, noting that PDS has the infrastructure to manage these cases if funding is provided. • The agency received eight new positions, including a District Defender and investigator for Casco Bay, a couple of criminal attorneys, as well as PC defense attorneys and paralegal staff to support them.
Regulatory Agenda	The Commission was unable to vote on the regulatory agenda because Commissioner Soucy had to depart, resulting in the loss of a voting quorum. The item will be brought back to the May meeting if a vote is required.
Public Comment	Attorney Rob Ruffner: Thanked the Commission and staff for averting the budget crisis. Attorney Ruffner advocated for a system where District Defenders can declare an office/individual attorney at capacity in-house rather than through court litigation. Attorney Ruffner also advised against parity with caseloads numbers that are currently happening in the DA's Office as this would not allow for the high standards and best practices currently being followed in the PD Offices. Attorney Benjamin Lees: Observed a growing crisis in District Attorney offices, noting that many prosecutors are switching to defense work due to heavy burdens.
Next Meeting	May 19, 2026, at 3:00 PM in a hybrid format.

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

April 2026 Operations Report

- 2,196 new cases were opened in the defenderData system. This was a 290 case decrease from March. Year to date, new cases are down by 5.6% from last year, from 24,418 at this time last year to 23,030 this year.
- The number of vouchers submitted electronically was 4,168, a decrease of 1,164 vouchers from March, totaling \$3,904,541, a decrease of \$1,411,920 from March. Year to date, the number of submitted vouchers is up by 18.9% from 37,286 at this time last year to 44,370 this year, with the total amount for submitted vouchers up 8.1%, from \$38,747,182 at this time last year to \$41,890,227 this year.
- We paid 3,439 electronic vouchers totaling \$3,042,154 representing a decrease of 2,429 vouchers and a decrease of \$2,958,311 compared to March. Year to date, the number of paid vouchers is up 20.7%, from 36,568 vouchers at this time last year to 44,150 this year, and the total amount paid is up 10.1%, from \$37,741,404 this time last year to \$41,576,722 this year.
- The average price per voucher was \$884.60, down \$137.97 per voucher from March. Year to date, the average price per voucher is down 8.7%, from \$1,032.09 at this time last year to \$941.72 this year.
- Child Protection and Drug Court had the highest average voucher total. There were 11 vouchers exceeding \$10,000 paid in April. See attached addendum for details.
- We issued 177 authorizations to expend funds: 86 Private investigators, 61 for experts, and 30 for miscellaneous services such as interpreters, transcriptionists, polygraph exams, and paralegals. We paid \$373,110 for experts and investigators, etc. None were denied.
- There were no attorney suspensions.
- In the All Other Account, the total expenses were \$3,636,909. Approximately \$228,069 was devoted to the Commission's operating expenses.
- In the Personal Services Accounts, we had \$813,243 in expenses.
- In the Revenue Account, the Judicial Branch transferred \$37,669 for counsel fee payments.
- As of May 8, 2026, there are 185 rostered attorneys of which 126 are available for trial court level work.
- For the first 10 months of this fiscal year, paid hours are up 8.4% over the same 10-month period last year. April 2026 paid hours are 23.9% lower than April 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			274,310

Vouchers over \$10,000 - April 2026

Comment	Voucher Total	Case Total
Homicide	\$25,470.00	\$82,994.00
Homicide	\$24,683.52	\$50,507.04
Aggravated Trafficking	\$21,561.80	\$31,162.82
Elevated Aggravated Assault	\$18,030.00	\$18,030.00
Domestic Violence Assault	\$16,169.47	\$16,169.47
Homicide Post-Conviction Review	\$16,095.64	\$16,095.64
Homicide	\$14,410.96	\$15,010.96
Child Protection	\$14,333.50	\$19,280.90
Assault	\$13,725.72	\$20,730.60
Assault	\$11,913.72	\$11,913.72
Assault	\$10,896.00	\$10,896.00

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Case Type

4/30/2026

DefenderData Case Type	Apr-26						Fiscal Year 2026			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
Appeal	25	64	\$118,669.70	43	\$ 67,007.15	\$1,558.31	174	548	\$ 1,074,739.59	\$1,961.20
Central Office Resource Counsel	0	1	\$630.00	1	\$ 405.00	\$405.00	0	23	\$ 15,480.00	\$673.04
Child Protection Petition	98	486	\$512,277.30	410	\$ 380,294.40	\$927.55	1,360	6,453	\$ 7,771,942.00	\$1,204.39
Drug Court	7	22	\$40,893.98	21	\$ 40,232.06	\$1,915.81	57	186	\$ 403,212.38	\$2,167.81
Emancipation	7	8	\$5,661.05	6	\$ 7,276.61	\$1,212.77	53	84	\$ 58,917.51	\$701.40
Felony	596	1,394	\$1,527,740.36	1,193	\$ 1,244,342.09	\$1,043.04	5,978	14,418	\$ 15,939,191.33	\$1,105.51
Involuntary Civil Commitment	1	7	\$3,761.94	2	\$ 825.00	\$412.50	221	388	\$ 249,130.67	\$642.09
Juvenile	76	154	\$143,054.89	120	\$ 117,327.68	\$977.73	1,030	1,599	\$ 1,594,953.54	\$997.47
Lawyer of the Day - Custody	282	277	\$187,139.44	227	\$ 157,204.85	\$692.53	2,837	2,749	\$ 1,840,744.61	\$669.61
Lawyer of the Day - Juvenile	1	2	\$900.00	3	\$ 1,350.00	\$450.00	25	26	\$ 11,610.00	\$446.54
Lawyer of the Day - Walk-in	128	118	\$81,101.10	81	\$ 51,763.75	\$639.06	1,253	1,213	\$ 793,814.11	\$654.42
PDS Provided Training	178	123	\$157,272.35	81	\$ 93,741.14	\$1,157.30	711	620	\$ 772,396.25	\$1,245.80
Misdemeanor	625	1,255	\$900,838.47	1,028	\$ 676,647.75	\$658.22	7,624	12,670	\$ 8,548,311.22	\$674.69
Petition, Modified Release Treatment	2	4	\$6,138.54	5	\$ 5,003.58	\$1,000.72	10	39	\$ 46,855.44	\$1,201.42
Petition, Release or Discharge	0	0		0			0	4	\$ 19,621.17	\$4,905.29
Petition, Termination of Parental Rights	0	1	\$6,435.00	1	\$ 6,435.00	\$6,435.00	0	12	\$ 59,288.25	\$4,940.69
Post Conviction Review	3	37	\$50,145.70	31	\$ 47,512.92	\$1,532.67	37	297	\$ 423,598.88	\$1,426.26
Probate	0	5	\$7,409.80	3	\$ 2,805.00	\$935.00	6	25	\$ 21,940.94	\$877.64
Probation Violation	159	189	\$132,091.77	168	\$ 125,668.47	\$748.03	1,482	2,331	\$ 1,585,640.83	\$680.24
Represent Witness on 5th Amendment	2	2	\$3,195.00	2	\$ 1,275.00	\$637.50	17	14	\$ 9,801.06	\$700.08
Resource Counsel Criminal	0	5	\$2,738.52	4	\$ 1,800.00	\$450.00	5	47	\$ 33,739.78	\$717.87
Resource Counsel Juvenile	1	2	\$1,845.00	2	\$ 1,845.00	\$922.50	2	11	\$ 5,642.76	\$512.98
Resource Counsel Mental Health	2	0		0			2	2	\$ 285.00	\$142.50
Resource Counsel NCR	0	0		0			0	0		
Resource Counsel Protective Custody	0	1	\$870.00	0			0	15	\$ 15,330.00	\$1,022.00
Review of Child Protection Order	0	7	\$12,229.56	4	\$ 10,204.56	\$2,551.14	0	74	\$ 129,877.30	\$1,755.10
Revocation of Administrative Release	1	0		0			4	12	\$ 5,394.10	\$449.51
Weapons Restrictions Case	2	4	\$1,502.46	3	\$ 1,187.46	\$395.82	142	290	\$ 145,263.69	\$500.91
TOTAL	2,196	4,168	\$3,904,541.93	3,439	\$ 3,042,154.47	\$884.60	23,030	44,150	\$ 41,576,722.41	\$941.72

MAINE COMMISSION ON PUBLIC DEFENSE SERVICES

Activity Report by Court

4/30/2026

Court	Apr-26						Fiscal Year 2026			
	New Cases	Vouchers Submitted	Submitted Amount	Vouchers Paid	Approved Amount	Average Amount	Cases Opened	Vouchers Paid	Amount Paid	Average Amount
ALFSC	1	1	\$870.00	2	\$ 3,210.00	\$1,605.00	22	15	\$17,295.00	\$1,153.00
AUBSC	1	5	\$3,798.40	4	\$ 3,180.00	\$795.00	12	44	\$35,831.43	\$814.35
AUGDC	21	49	\$56,636.01	39	\$ 46,787.77	\$1,199.69	216	485	\$903,545.11	\$1,862.98
AUGSC	2	4	\$5,729.54	4	\$ 4,163.58	\$1,040.90	13	44	\$63,674.59	\$1,447.15
BANDC	12	39	\$27,030.00	52	\$ 42,435.00	\$816.06	361	907	\$856,920.88	\$944.79
BANSC	2	3	\$8,568.18	0			11	19	\$74,965.45	\$3,945.55
BATSC	0	0		0			1	2	\$1,365.00	\$682.50
BELDC	9	16	\$13,022.89	8	\$ 4,908.62	\$613.58	94	272	\$401,153.01	\$1,474.83
BELSC	2	0		0			2	1	\$210.00	\$210.00
BIDDC	16	96	\$93,104.95	82	\$ 78,523.58	\$957.60	374	1,196	\$1,088,945.96	\$910.49
BRIDC	4	15	\$26,358.76	9	\$ 10,567.04	\$1,174.12	86	226	\$277,179.00	\$1,226.46
CALDC	2	6	\$6,025.36	7	\$ 5,850.00	\$835.71	32	89	\$64,933.45	\$729.59
CARDC	3	35	\$29,701.40	32	\$ 20,363.50	\$636.36	46	196	\$177,597.78	\$906.11
CARSC	0	0		0			3	8	\$7,995.00	\$999.38
DOVDC	2	0		0			28	96	\$97,196.92	\$1,012.47
DOVSC	0	0		0			1	3	\$2,075.70	\$691.90
ELLDC	10	41	\$26,255.44	39	\$ 22,940.44	\$588.22	93	476	\$409,119.92	\$859.50
ELLSC	0	0		0			0	1	\$322.50	\$322.50
FARDC	3	26	\$27,172.55	22	\$ 22,152.89	\$1,006.95	113	293	\$311,936.13	\$1,064.63
FARSC	0	1	\$570.00	0			4	3	\$2,452.65	\$817.55
FORDC	1	9	\$8,371.88	9	\$ 9,858.84	\$1,095.43	16	94	\$75,784.20	\$806.21
HOUDC	5	18	\$18,016.32	13	\$ 11,043.04	\$849.46	46	177	\$161,870.85	\$914.52
HOUSC	0	0		0			0	0		
LEWDC	52	102	\$90,774.08	67	\$ 56,404.66	\$841.86	508	1,313	\$1,567,105.72	\$1,193.53
LINDC	6	6	\$17,139.88	5	\$ 14,527.12	\$2,905.42	50	122	\$130,807.10	\$1,072.19
MACDC	0	9	\$7,130.20	5	\$ 900.00	\$180.00	16	76	\$64,880.66	\$853.69
MACSC	0	0		0			2	3	\$10,463.22	\$3,487.74
MADDC	0	0		0			0	7	\$34,468.37	\$4,924.05
MILDC	0	0		0			8	10	\$14,140.36	\$1,414.04
NEWDC	5	15	\$11,731.80	17	\$ 10,945.62	\$643.86	92	236	\$175,268.21	\$742.66
PORDC	28	84	\$83,044.32	72	\$ 56,397.91	\$783.30	364	1,309	\$1,198,557.08	\$915.63
PORSC	1	3	\$870.00	3	\$ 870.00	\$290.00	9	28	\$17,220.76	\$615.03
PREDC	3	17	\$14,978.84	17	\$ 20,654.20	\$1,214.95	57	190	\$187,075.65	\$984.61
ROCDC	0	15	\$11,682.40	13	\$ 13,929.34	\$1,071.49	68	199	\$270,393.80	\$1,358.76
ROCSC	2	1	\$120.00	1	\$ 120.00	\$120.00	4	6	\$8,834.02	\$1,472.34
RUMDC	2	29	\$38,301.68	20	\$ 18,720.00	\$936.00	62	285	\$334,731.46	\$1,174.50
SKODC	16	55	\$71,305.34	36	\$ 37,707.62	\$1,047.43	192	521	\$710,404.53	\$1,363.54
SKOSC	2	0		0			4	4	\$4,415.72	\$1,103.93
SOUNDC	2	15	\$12,411.28	14	\$ 10,234.28	\$731.02	74	260	\$229,478.01	\$882.61
SOUNSC	0	2	\$1,065.00	0			8	10	\$92,891.42	\$9,289.14
SPRDC	3	2	\$1,950.00	2	\$ 1,635.00	\$817.50	20	38	\$33,922.50	\$892.70
Law Ct	25	61	\$115,429.70	39	\$ 60,017.15	\$1,538.90	165	493	\$1,012,457.13	\$2,053.67
Training	174	124	\$155,859.63	82	\$ 94,626.14	\$1,153.98	704	659	\$809,086.75	\$1,227.75
YORCD	207	436	\$364,463.48	319	\$ 248,022.00	\$777.50	2,617	4,662	\$4,236,578.90	\$908.75
AROCD	100	232	\$156,070.78	171	\$ 133,057.48	\$778.11	1,218	2,144	\$1,652,307.48	\$770.67
ANDCD	187	291	\$260,526.40	257	\$ 228,547.80	\$889.29	1,670	4,116	\$2,922,592.98	\$710.06
KENCD	176	276	\$239,614.16	204	\$ 186,946.49	\$916.40	1,672	2,398	\$2,103,796.93	\$877.31
PENCD	183	374	\$379,130.81	317	\$ 281,445.66	\$887.84	1,999	3,675	\$3,223,052.00	\$877.02
SAGCD	42	51	\$45,830.76	48	\$ 34,388.42	\$716.43	411	715	\$615,315.44	\$860.58
WALCD	44	99	\$99,077.74	88	\$ 74,458.42	\$846.12	646	874	\$788,084.13	\$901.70
PISCD	5	10	\$7,845.02	19	\$ 14,132.02	\$743.79	175	223	\$252,498.72	\$1,132.28
HANCD	49	35	\$42,729.66	60	\$ 37,689.26	\$628.15	468	622	\$529,605.96	\$851.46
FRACD	37	62	\$81,520.19	53	\$ 51,230.28	\$966.61	362	541	\$502,070.27	\$928.04
WASCD	33	54	\$50,643.66	39	\$ 48,993.28	\$1,256.24	420	559	\$623,832.86	\$1,115.98
CUMCD	407	804	\$729,724.03	708	\$ 672,945.52	\$950.49	4,019	7,860	\$7,156,652.37	\$910.52
KNOCD	60	117	\$89,249.24	99	\$ 71,924.92	\$726.51	661	880	\$1,048,839.43	\$1,191.86
SOMCD	108	116	\$86,029.99	107	\$ 88,233.68	\$824.61	919	1,125	\$1,019,140.50	\$905.90
OXFCD	67	164	\$163,581.46	95	\$ 70,475.98	\$741.85	891	1,790	\$1,435,880.25	\$802.17
LINCD	27	45	\$41,369.18	59	\$ 44,755.26	\$758.56	441	656	\$633,659.72	\$965.94
WATDC	19	34	\$24,471.36	24	\$ 21,311.26	\$887.97	141	293	\$346,905.41	\$1,183.98
WESDC	10	32	\$34,940.58	29	\$ 30,916.54	\$1,066.09	154	338	\$332,967.31	\$985.11
WISDC	0	6	\$6,276.28	4	\$ 3,771.28	\$942.82	10	96	\$114,482.32	\$1,192.52
WISSC	0	0		0			2	2	\$3,331.80	\$1,665.90
YORDC	1	12	\$7,045.40	9	\$ 6,239.80	\$693.31	40	83	\$45,623.16	\$549.68
TOTAL	2,196	4,168	\$3,904,541.93	3,439	\$3,042,154.47	\$884.60	23,030	44,150	\$41,576,722.41	\$941.72

STATEMENT OF ALLOTMENTS/BUDGET
Maine Commission on Public Defense Services
FY26 As of 04/30/2026

Fund Approp Account Name

GENERAL

010 Z11201

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
Object Class	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO
Budget/Allotment	2,338,782.00	15,234,914.00	2,654,103.00	12,433,665.00	2,383,159.00	15,365,485.00	2,860,735.00	12,547,189.00	10,236,779.00	55,581,253.00
Expenditures to date	(2,338,781.78)	(14,188,190.33)	(2,654,102.90)	(12,530,668.23)	(2,383,158.69)	(15,542,010.29)	(813,243.61)	(3,632,282.67)	(8,189,286.98)	(45,893,151.52)
Encumbrances		(1,046,722.31)		97,003.22		224,865.22		(47,847.92)		(772,701.79)
Total Available Allotment	0.22	1.36	0.10	(0.01)	0.31	48,339.93	2,047,491.39	8,867,058.41	2,047,492.02	8,915,399.69

Budget Order submitted, Funds will be moved & available in Q4 on 5/11

OTHER SPECIAL REVENUE FUNDS

014 Z11201

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
Object Class	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO
Budget/Allotment	-	55,117.00	-	(47,394.00)	-	330,980.00	-	66,666.00	-	405,369.00
Expenditures to date	-	(40,089.74)	-	40,089.74	-	(200,772.81)	-	(4,626.71)	-	(205,399.52)
Encumbrances		(15,025.75)		7,304.94		-		4,525.63		(3,195.18)
Total Available Allotment	-	1.51	-	0.68	-	\$130,207.19	-	\$66,564.92	-	\$196,774.30

Budget Order submitted, Funds will be moved & available in Q4 on 5/11

OTHER SPECIAL REVENUE FUNDS

014 Z11202

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Total	
Object Class	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO	1 PS	2 AO
Budget/Allotment	-	-	-	-	-	47,000.00	-	10,000.00	-	57,000.00
Expenditures to date	-	-	-	-	-	-	-	-	-	-
Encumbrances		-		-		-		-		-
Total Available Allotment	-	-	-	-	-	47,000.00	-	10,000.00	-	57,000.00

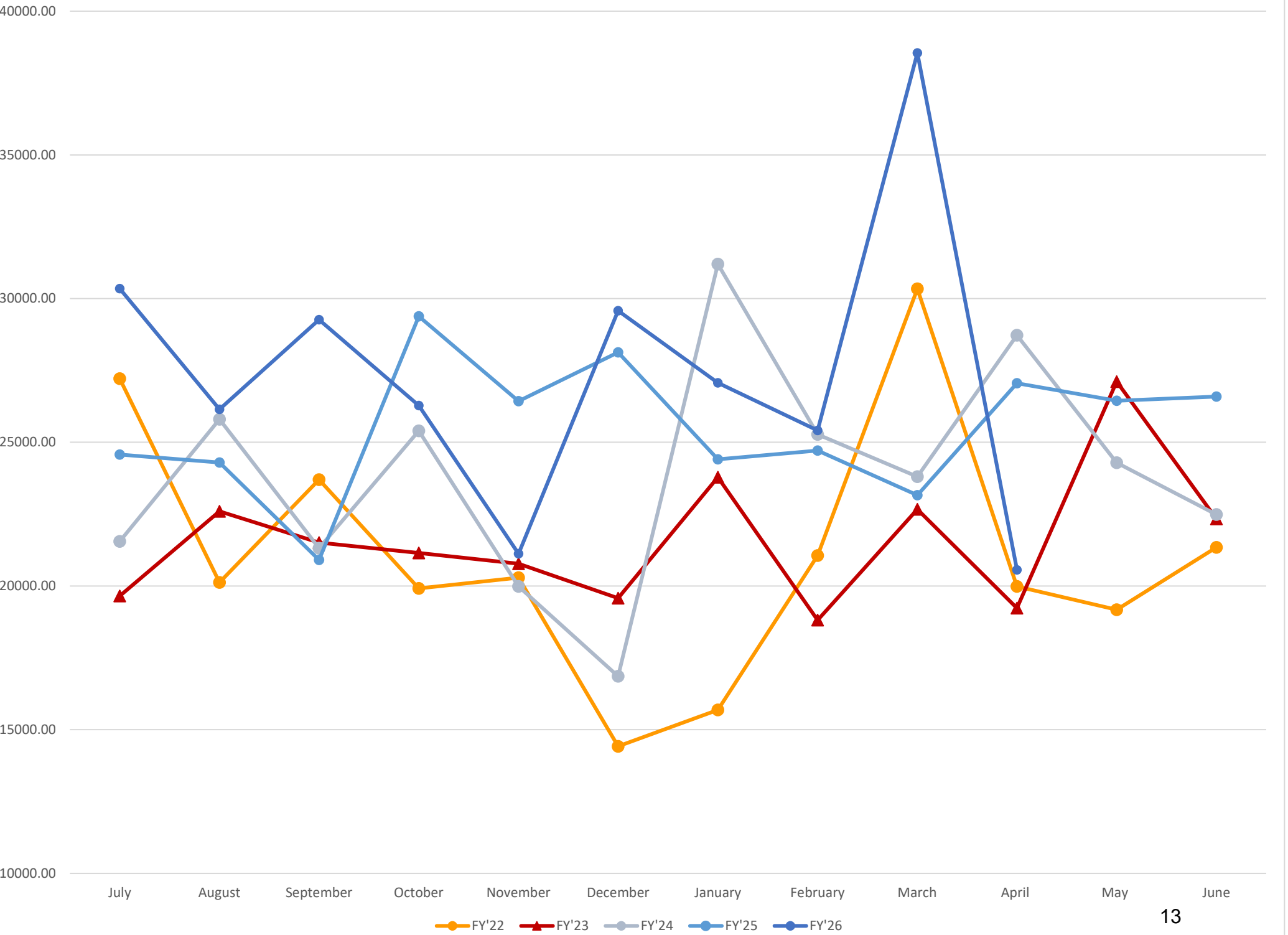
MAINE COMMISSION - PUBLIC DEFENSE SERVICES
Dept 95F
Fund 010
Approp Z11201
Expenses through 4/30/2026
Period 10
% of budget 83%
SFY 2026

		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 MATERIAL S	LABOR AND INS CLIENT BENEFITS	ASSISTANCE AND RELIEF GRANT	CHARGES TO ASSETS AND LIAB.	TELECOMMUNICATIONS			
		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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jun-26	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures		8,189,286.98	42,909,352.58	151,656.45	59,678.72	4,903.08	104.88	472,730.87	15.12	9,745.96	1,454,875.58	25,575.81	57,683.40	551,532.01	378.69	8,236.22	182,719.95	28.39	45.89	324.77	1,249.00	2,314.15	45,893,151.52	54,082,438.50
Encumbrances			401,714.40	-	-	-	-	-	-	-	534.03	15,500.00	233.64	265,237.96	-	-	89,481.76	-	-	-	-	-	772,701.79	772,701.79
Estimated Remaining Expenses		1,633,210.04	9,000,000.00	-	11,935.74	980.62	20.98	94,546.17	-	1,949.19	290,975.12	5,115.16	11,536.68	110,306.40	-	1,647.24	36,543.99	-	-	64.95	249.80	462.83	9,566,334.88	11,199,544.92
Total Estimated Expenses		9,822,497.02	52,311,066.98	151,656.45	71,614.46	5,883.70	125.86	567,277.04	15.12	11,695.15	1,746,384.73	46,190.97	69,453.72	927,076.37	378.69	9,883.46	308,745.70	28.39	45.89	389.72	1,498.80	2,776.98	56,232,188.19	66,054,685.21
Remaining Funds Available		414,281.98	(16,975,051.98)	18,546,914.55	158,375.54	(5,883.70)	(125.86)	(492,277.04)	(15.12)	(7,935.15)	(1,687,534.73)	(38,290.97)	(69,453.72)	176,438.63	(378.69)	9,095.54	(265,072.70)	(28.39)	(45.89)	(389.72)	(1,498.80)	2,223.02	(650,935.19)	(236,653.21)

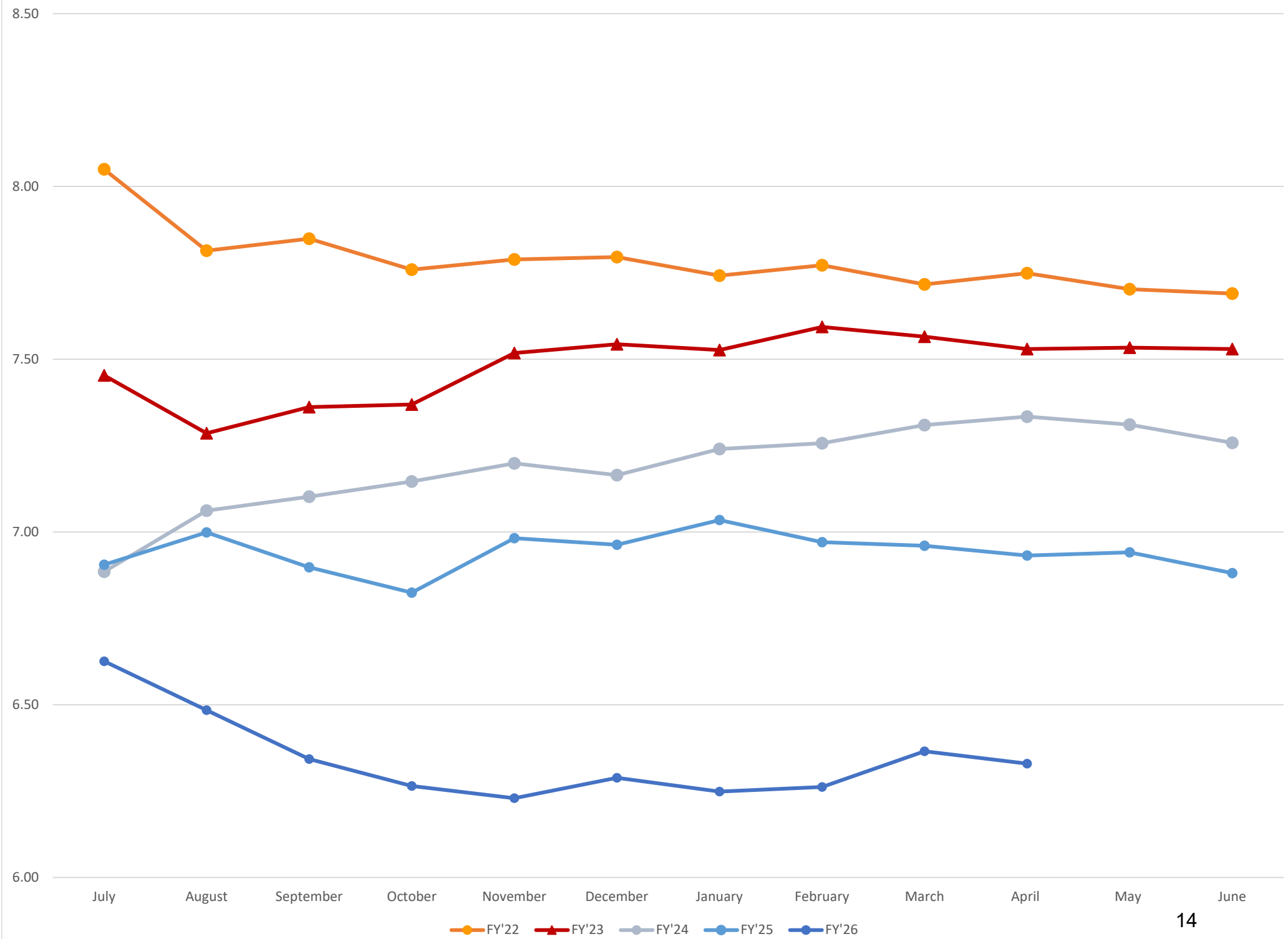
Sum of Expended Amount		Fund	Approp	Grand Total
Object Revenue	Object Name	010 Z11201	014 Z11201	
4003	ACCOUNT & AUDIT SERVICES	8,122.50		8,122.50
4005	READER & INTERPRETER SERV	30,059.11		30,059.11
4031	INSPECT & INVESTIGATION	29,326.73		29,326.73
4036	INSTRUCTOR & SPEAKER SERV	8,465.00		8,465.00
4040	COURT APPOINTED ATTORNEYS	3,036,580.63		3,036,580.63
4047	PSYCHOLOGICAL EXAMINATION	49,684.39		49,684.39
4056	RESEARCH SERVICES	118.39		118.39
4073	CONSULTATION SERVICES		4,525.63	4,525.63
4075	CASE MANAGEMENT SERVICES	33,733.00		33,733.00
4095	MEDICAL REPORTS	220.51		220.51
4099	MISC PROF FEES & SPEC SRV	13,854.78		13,854.78
4270	AUTO MILEAGE-GEN IN STATE	4,065.43		4,065.43
4273	HOTEL ROOM & LODGING	5,912.70		5,912.70
4274	MEALS AND GRATUITIES	138.38		138.38
4275	MISCELLANEOUS EXPENSE	33.25		33.25
4360	AIR FARE OUT OF STATE	1,267.46		1,267.46
4532	BOTTLED WATER	16.00		16.00
4606	RENT BUILDINGS AND OFFICE	36,631.57		36,631.57
4651	MISC RENTS	2,941.50		2,941.50
4901	STAMPS	11.20		11.20
4909	COURIER SERVICE	20.61		20.61
4911	POSTAGE	1,243.41		1,243.41
4913	INTRAGOVERNMENTAL SERVICE	137.49		137.49
4922	WASTE RECYCLING	60.50		60.50
4930	TRANSCRIPTS	38,694.43		38,694.43
4959	EXPERT WITNESS FEES	167,549.28		167,549.28
4969	WITNESS FEES	758.26		758.26
4982	PERIODICALS NEWSPAPER SUB	89.99		89.99
4983	DUES	2,545.00		2,545.00
5001	REGISTRATION FEE-NON STATE	1,495.00		1,495.00
5002	REGISTRATION FEE-STATE	295.00		295.00
5150	FOOD	9,277.91		9,277.91
5301	OIT PROFESSIONAL CHARGES	2,231.66		2,231.66
5302	TELEPHONE SERVICE	2,679.86		2,679.86
5310	IT END USER SERVICES	18,015.27		18,015.27
5311	IT SERVICES-NON STATE	54.69		54.69
5312	IT CONSULTING-NON STATE	7,110.00		7,110.00
5315	IT APPLICATIONS-BY STATE	4,018.14		4,018.14
5331	NETWORK ACCESS	145.62		145.62
5341	LEASE PURCHASE HARDWARE/SYSTEM	1,295.20		1,295.20
5355	SOFTWARE MAINT / LICENSES	8,386.28		8,386.28
5370	MINOR IT EQUIPMENT	2,446.75		2,446.75
5401	CLOTHING	77.75		77.75
5562	CELL PHONE SERVICES	3,549.25		3,549.25
5590	NON-IT MINOR EQUIPMENT	1,287.00		1,287.00
5600	OFFICE & OTHER SUPPLIES	237.40		237.40
5602	OFFICE SUPPLIES	8,519.96		8,519.96
5627	PURCHASE OF BOOKS	228.26		228.26
5636	MISC SUPPLIES	2,531.57		2,531.57
5650	MISC OFFICE EQUIPMENT	95.32		95.32
5656	MODULAR FURNITURE	3,322.33		3,322.33
6755	MEDICAL REPORTS/RECORDS	28.00		28.00

8511	TRANS TO GEN FUND STACAP		101.08	101.08
4049	SUBPOENA SERVICE	1,858.44		1,858.44
4350	W-2 REPORTABLE OOS TRAVEL NON MILEAGE	133.09		133.09
4351	W-2 REPORTABLE OOS TRAVEL MILEAGE	79.94		79.94
4156	RESEARCH SERVICES	6.00		6.00
4383	HOTEL ROOM AND LODGING	2,154.68		2,154.68
5081	TRAINING REFRESHMENTS	206.84		206.84
4672	RENT OF STATE VEHICLE	599.23		599.23
4142	LEGAL SERVICES	77,384.73		77,384.73
4943	INST TICKET DISPENSERS	250.00		250.00
Grand Total		3,632,282.67	4,626.71	3,636,909.38

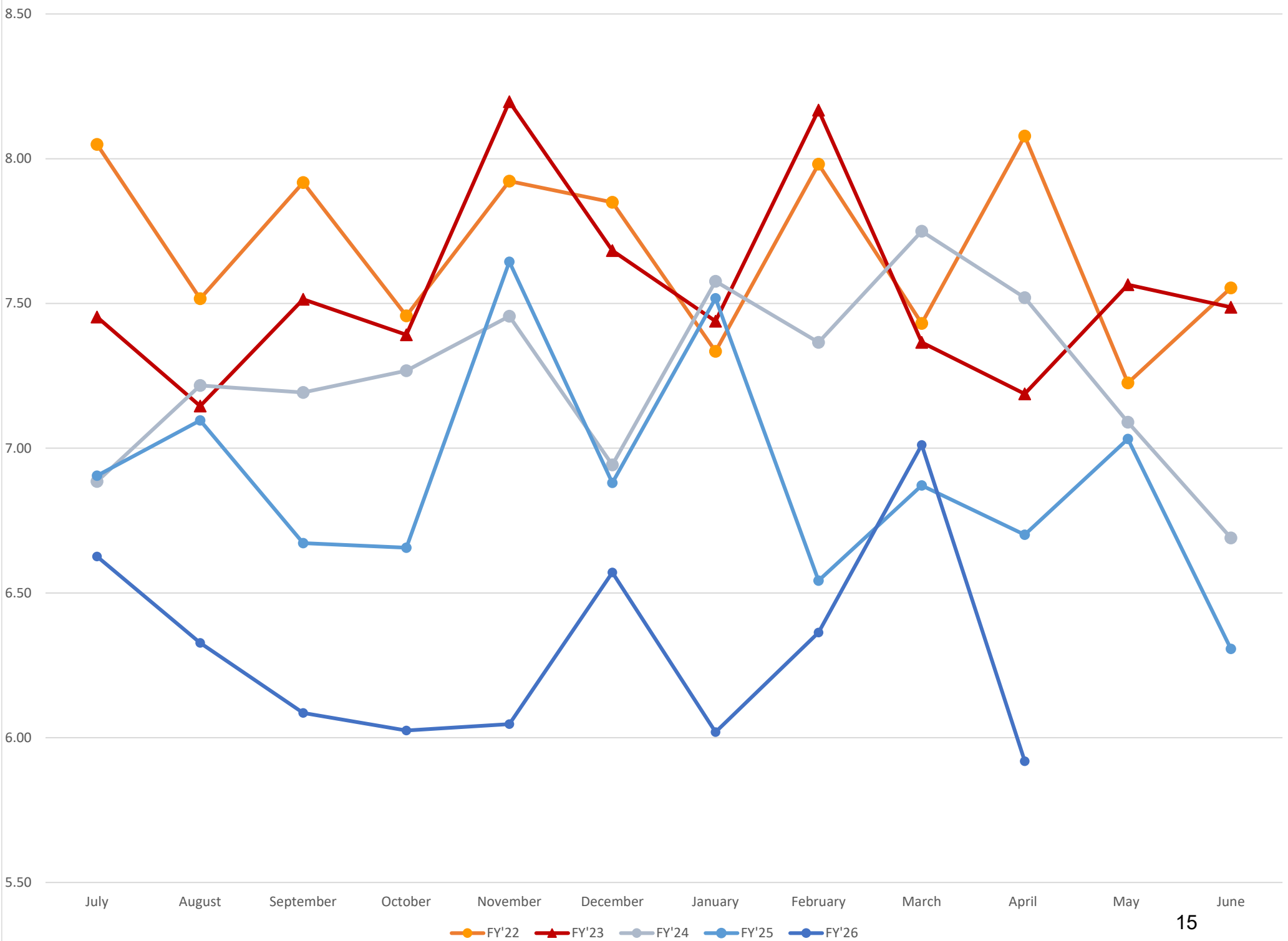
Paid Hours Amount



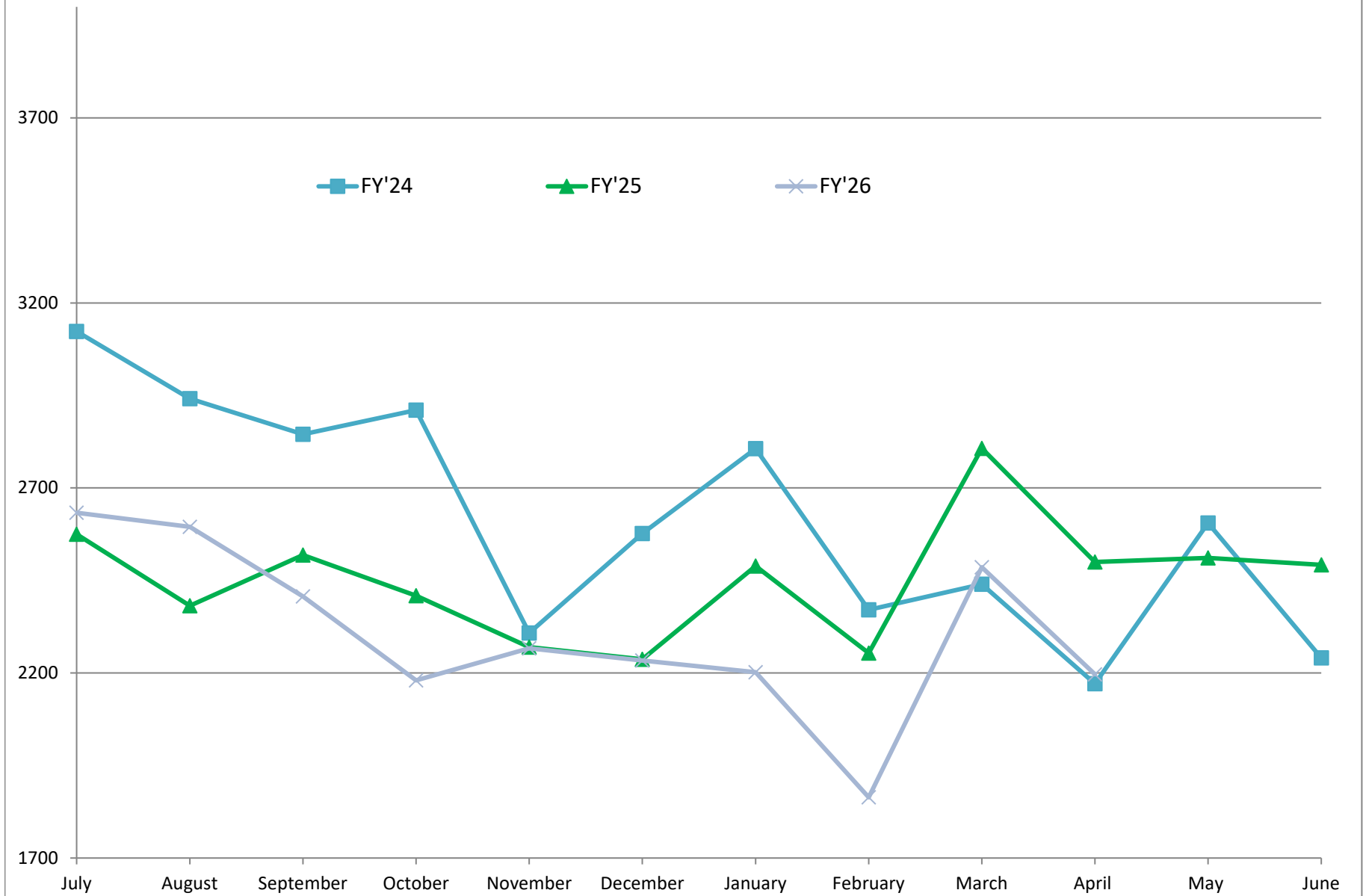
Average Hours per Voucher FYTD



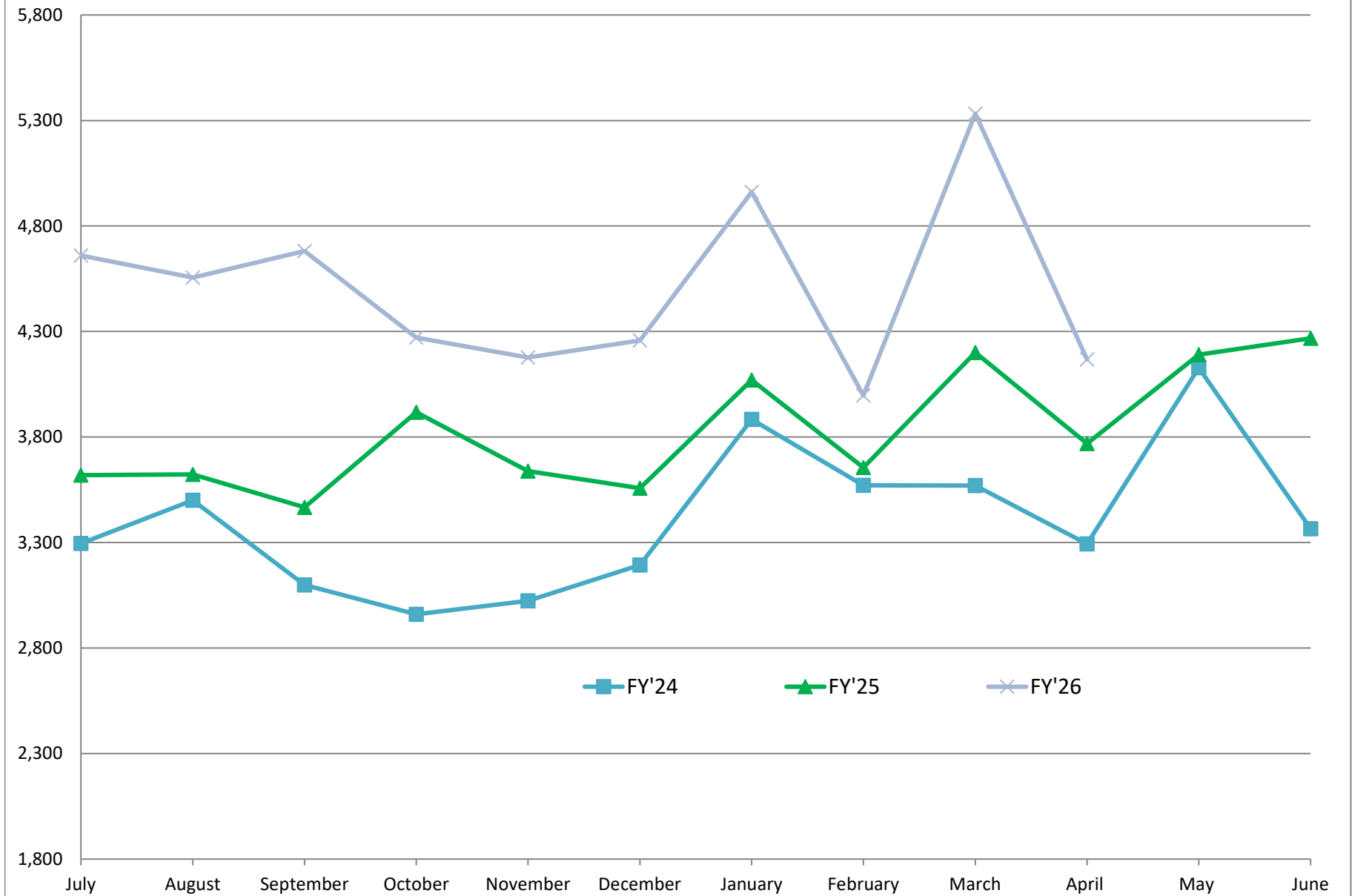
Monthly Average Hours per Voucher



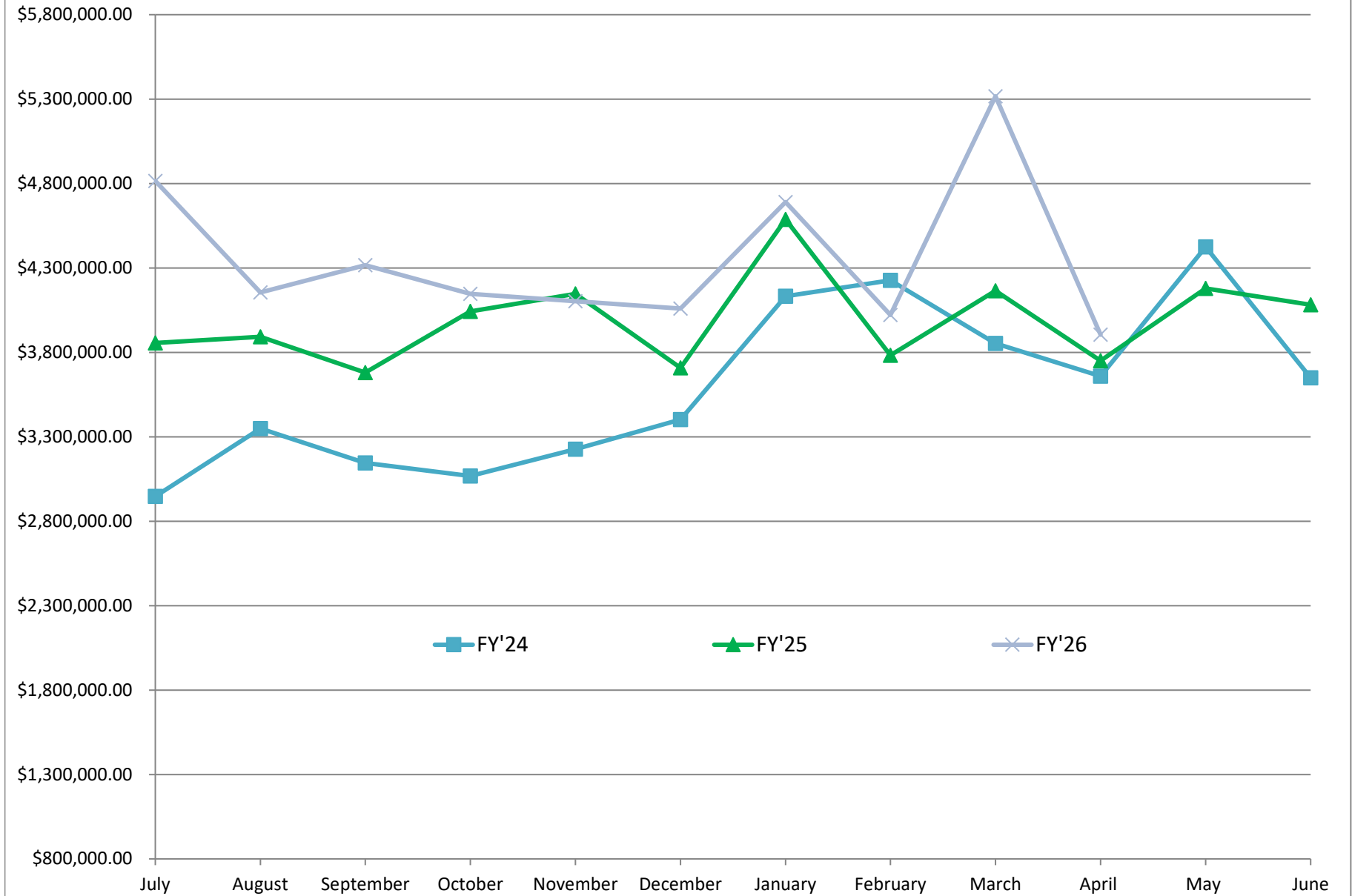
NEW CASES



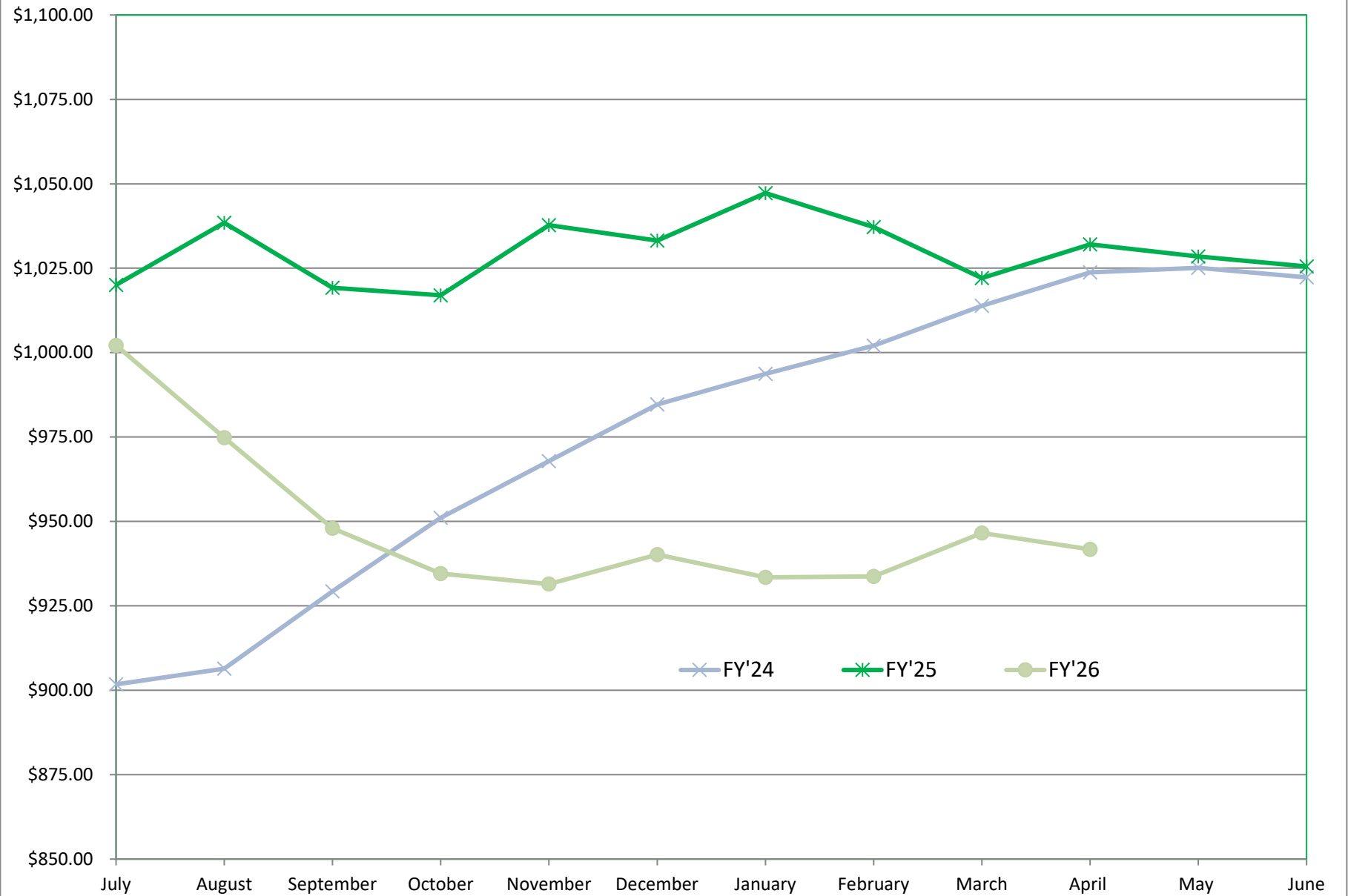
Submitted Vouchers



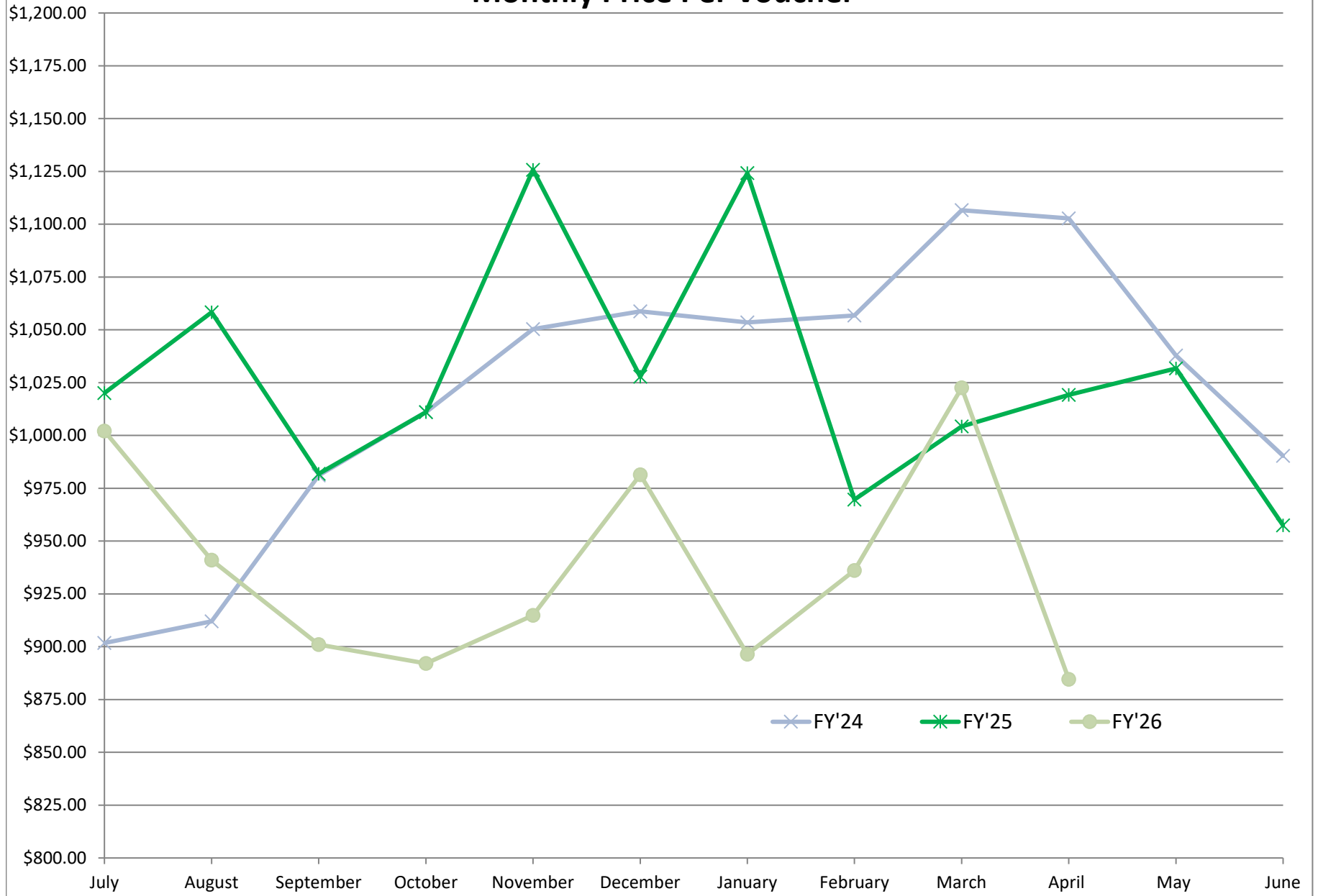
Submitted Voucher Amount



Average Voucher Price Fiscal Year to Date



Monthly Price Per Voucher



Pending UCD Cases as of May 8, 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	697	137	114	16.4%	1,157	230	449	38.8%	75	57	76.0%	1,929	367	620	32.1%
Aroostook	458	113	31	6.8%	663	236	108	16.3%	22	11	50.0%	1,143	349	150	13.1%
Caribou	100	24	7	7.0%	144	49	34	23.6%	8	6	75.0%	252	73	47	18.7%
Fort Kent	49	21	4	8.2%	120	52	19	15.8%	2	1	50.0%	171	73	24	14.0%
Houlton	135	20	5	3.7%	186	66	25	13.4%	5	2	40.0%	326	86	32	9.8%
Presque Isle	174	48	15	8.6%	213	69	30	14.1%	7	2	28.6%	394	117	47	11.9%
Cumberland	1,190	202	93	7.8%	2,534	434	445	17.6%	64	24	37.5%	3,788	636	562	14.8%
Bridgton	23	7	4	17.4%	211	44	47	22.3%	6	3	50.0%	240	51	54	22.5%
Portland	1,158	193	87	7.5%	2,097	339	353	16.8%	44	18	40.9%	3,299	532	458	13.9%
West Bath	9	2	2	22.2%	226	51	45	19.9%	14	3	21.4%	249	53	50	20.1%
Franklin	127	25	24	18.9%	286	103	85	29.7%	9	3	33.3%	422	128	112	26.5%
Hancock	225	31	19	8.4%	420	65	107	25.5%	17	8	47.1%	662	96	134	20.2%
Kennebec	661	104	138	20.9%	1,461	222	477	32.6%	45	34	75.6%	2,167	326	649	29.9%
Augusta	634	96	135	21.3%	980	134	342	34.9%	23	17	73.9%	1,637	230	494	30.2%
Waterville	27	8	3	11.1%	481	88	135	28.1%	22	17	77.3%	530	96	155	29.2%
Knox	234	28	22	9.4%	463	110	106	22.9%	8	3	37.5%	705	138	131	18.6%
Lincoln	202	37	20	9.9%	377	108	89	23.6%	18	0	0.0%	597	145	109	18.3%
Oxford	356	104	51	14.3%	662	194	208	31.4%	12	4	33.3%	1,030	298	263	25.5%
Bridgton	45	19	17	37.8%	89	21	28	31.5%	3	2	66.7%	137	40	47	34.3%
Rumford	64	24	3	4.7%	123	44	17	13.8%	1	0	0.0%	188	68	20	10.6%
South Paris	247	61	31	12.6%	450	129	163	36.2%	8	2	25.0%	705	190	196	27.8%
Penobscot	572	31	57	10.0%	1,374	43	381	27.7%	23	8	34.8%	1,969	74	446	22.7%
Bangor	551	31	49	8.9%	1,055	30	288	27.3%	5	3	60.0%	1,611	61	340	21.1%
Lincoln	9	0	5	55.6%	91	5	27	29.7%	8	4	50.0%	108	5	36	33.3%
Newport	12	0	3	25.0%	228	8	66	28.9%	10	1	10.0%	250	8	70	28.0%
Piscataquis	15	1	1	6.7%	70	1	34	48.6%	20	17	85.0%	105	2	52	49.5%
Sagadahoc	122	22	11	9.0%	301	103	60	19.9%	11	1	9.1%	434	125	72	16.6%
Somerset	352	70	73	20.7%	658	89	251	38.1%	18	9	50.0%	1,028	159	333	32.4%
Waldo	195	33	14	7.2%	291	84	49	16.8%	11	10	90.9%	497	117	73	14.7%
Washington	192	11	8	4.2%	243	50	37	15.2%	15	10	66.7%	450	61	55	12.2%
Calais	68	4	2	2.9%	121	25	23	19.0%	2	1	50.0%	191	29	26	13.6%
Machias	124	7	6	4.8%	122	25	14	11.5%	13	9	69.2%	259	32	29	11.2%
York	764	115	130	17.0%	2,573	543	812	31.6%	90	43	47.8%	3,427	658	985	28.7%
TOTAL	6,362	1,064	806	12.7%	13,533	2,615	3,698	27.3%	458	242	52.8%	20,353	3,679	4,746	23.3%

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, May 2025 to May 2026

Pending cases as of May 8 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff	2025	2026	% Diff
Androscoggin	769	697	-9.4%	1,387	1,157	-16.6%	6	75	1150.0%	2,162	1,929	-10.8%
Aroostook	496	458	-7.7%	712	663	-6.9%	15	22	46.7%	1,223	1,143	-6.5%
Caribou	100	100	0.0%	148	144	-2.7%	6	8	33.3%	254	252	-0.8%
Fort Kent	72	49	-31.9%	152	120	-21.1%	2	2	0.0%	226	171	-24.3%
Houlton	127	135	6.3%	175	186	6.3%	4	5	25.0%	306	326	6.5%
Presque Isle	197	174	-11.7%	237	213	-10.1%	3	7	133.3%	437	394	-9.8%
Cumberland	1,385	1,190	-14.1%	3,313	2,534	-23.5%	103	64	-37.9%	4,801	3,788	-21.1%
Bridgton	22	23	4.5%	298	211	-29.2%	37	6	-83.8%	357	240	-32.8%
Portland	1,342	1,158	-13.7%	2,676	2,097	-21.6%	38	44	15.8%	4,056	3,299	-18.7%
West Bath	21	9	-57.1%	339	226	-33.3%	28	14	-50.0%	388	249	-35.8%
Franklin	104	127	22.1%	287	286	-0.3%	3	9	200.0%	394	422	7.1%
Hancock	230	225	-2.2%	404	420	4.0%	30	17	-43.3%	664	662	-0.3%
Kennebec	541	661	22.2%	1,413	1,461	3.4%	25	45	80.0%	1,979	2,167	9.5%
Augusta	515	634	23.1%	888	980	10.4%	18	23	27.8%	1,421	1,637	15.2%
Waterville	26	27	3.8%	525	481	-8.4%	7	22	214.3%	558	530	-5.0%
Knox	188	234	24.5%	524	463	-11.6%	11	8	-27.3%	723	705	-2.5%
Lincoln	167	202	21.0%	404	377	-6.7%	6	18	200.0%	577	597	3.5%
Oxford	460	356	-22.6%	833	662	-20.5%	24	12	-50.0%	1,317	1,030	-21.8%
Bridgton	52	45	-13.5%	92	89	-3.3%	5	3	-40.0%	149	137	-8.1%
Rumford	151	64	-57.6%	271	123	-54.6%	7	1	-85.7%	429	188	-56.2%
South Paris	257	247	-3.9%	470	450	-4.3%	12	8	-33.3%	739	705	-4.6%
Penobscot	709	572	-19.3%	1,657	1,374	-17.1%	51	23	-54.9%	2,417	1,969	-18.5%
Bangor	691	551	-20.3%	1,246	1,055	-15.3%	12	5	-58.3%	1,949	1,611	-17.3%
Lincoln	5	9	80.0%	137	91	-33.6%	23	8	-65.2%	165	108	-34.5%
Newport	13	12	-7.7%	274	228	-16.8%	16	10	-37.5%	303	250	-17.5%
Piscataquis	35	15	-57.1%	82	70	-14.6%	28	20	-28.6%	145	105	-27.6%
Sagadahoc	163	122	-25.2%	397	301	-24.2%	15	11	-26.7%	575	434	-24.5%
Somerset	300	352	17.3%	522	658	26.1%	11	18	63.6%	833	1,028	23.4%
Waldo	194	195	0.5%	351	291	-17.1%	7	11	57.1%	552	497	-10.0%
Washington	180	192	6.7%	281	243	-13.5%	16	15	-6.3%	477	450	-5.7%
Calais	80	68	-15.0%	120	121	0.8%	7	2	-71.4%	207	191	-7.7%
Machias	100	124	24.0%	161	122	-24.2%	9	13	44.4%	270	259	-4.1%
York	744	764	2.7%	2,333	2,573	10.3%	53	90	69.8%	3,130	3,427	9.5%
TOTAL	6,665	6,362	-4.5%	14,900	13,533	-9.2%	404	458	13.4%	21,969	20,353	-7.4%

Columns

2025	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 8, 2025
2026	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 8, 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, May 2019 to May 2026

Pending cases as of May 8 of each year

UCD	FELONY			MISDEMEANOR			CIVIL VIOLATION			ALL CASES		
	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff	2019	2026	% Diff
Androscoggin	378	697	84.4%	1,341	1,157	-13.7%	27	75	177.8%	1,746	1,929	10.5%
Aroostook	348	458	31.6%	605	663	9.6%	27	22	-18.5%	980	1,143	16.6%
Caribou	67	100	49.3%	144	144	0.0%	6	8	33.3%	217	252	16.1%
Fort Kent	32	49	53.1%	116	120	3.4%	8	2	-75.0%	156	171	9.6%
Houlton	109	135	23.9%	110	186	69.1%	3	5	66.7%	222	326	46.8%
Presque Isle	140	174	24.3%	235	213	-9.4%	10	7	-30.0%	385	394	2.3%
Cumberland	816	1,190	45.8%	2,564	2,534	-1.2%	124	64	-48.4%	3,504	3,788	8.1%
Bridgton	10	23	130.0%	194	211	8.8%	24	6	-75.0%	228	240	5.3%
Portland	788	1,158	47.0%	2,034	2,097	3.1%	78	44	-43.6%	2,900	3,299	13.8%
West Bath	18	9	-50.0%	336	226	-32.7%	22	14	-36.4%	376	249	-33.8%
Franklin	99	127	28.3%	324	286	-11.7%	11	9	-18.2%	434	422	-2.8%
Hancock	193	225	16.6%	469	420	-10.4%	49	17	-65.3%	711	662	-6.9%
Kennebec	318	661	107.9%	1,107	1,461	32.0%	55	45	-18.2%	1,480	2,167	46.4%
Augusta	305	634	107.9%	637	980	53.8%	31	23	-25.8%	973	1,637	68.2%
Waterville	13	27	107.7%	470	481	2.3%	24	22	-8.3%	507	530	4.5%
Knox	143	234	63.6%	301	463	53.8%	2	8	300.0%	446	705	58.1%
Lincoln	88	202	129.5%	202	377	86.6%	5	18	260.0%	295	597	102.4%
Oxford	211	356	68.7%	520	662	27.3%	33	12	-63.6%	764	1,030	34.8%
Bridgton	22	45	104.5%	73	89	21.9%	10	3	-70.0%	105	137	30.5%
Rumford	92	64	-30.4%	219	123	-43.8%	11	1	-90.9%	322	188	-41.6%
South Paris	97	247	154.6%	228	450	97.4%	12	8	-33.3%	337	705	109.2%
Penobscot	369	572	55.0%	1,162	1,374	18.2%	106	23	-78.3%	1,637	1,969	20.3%
Bangor	360	551	53.1%	917	1,055	15.0%	85	5	-94.1%	1,362	1,611	18.3%
Lincoln	6	9	50.0%	73	91	24.7%	12	8	-33.3%	91	108	18.7%
Newport	3	12	300.0%	172	228	32.6%	9	10	11.1%	184	250	35.9%
Piscataquis	14	15	7.1%	37	70	89.2%	10	20	100.0%	61	105	72.1%
Sagadahoc	93	122	31.2%	256	301	17.6%	23	11	-52.2%	372	434	16.7%
Somerset	139	352	153.2%	475	658	38.5%	38	18	-52.6%	652	1,028	57.7%
Waldo	95	195	105.3%	255	291	14.1%	7	11	57.1%	357	497	39.2%
Washington	112	192	71.4%	200	243	21.5%	44	15	-65.9%	356	450	26.4%
Calais	42	68	61.9%	101	121	19.8%	13	2	-84.6%	156	191	22.4%
Machias	70	124	77.1%	99	122	23.2%	31	13	-58.1%	200	259	29.5%
York	804	764	-5.0%	2,448	2,573	5.1%	93	90	-3.2%	3,345	3,427	2.5%
TOTAL	4,220	6,362	50.8%	12,266	13,533	10.3%	654	458	-30.0%	17,140	20,353	18.7%

Columns

2019	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 8, 2019
2026	Number of cases having at least one charge without a disposition, and without a currently active warrant as of May 8, 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

May 2026

Tri-County Region Updates

Attorney Tom Bell recently resolved a difficult felony domestic violence case that had been scheduled for jury selection. Tom worked the case extensively and was fully prepared for trial, along with Attorney Charles Burden, who assisted in trial preparation during the final week before jury selection. As has increasingly occurred at docket call and jury selection, the State substantially revised its offer on the eve of trial. Ultimately, the felony charge was dismissed, and the client resolved the matter with a misdemeanor disposition involving no additional jail time and no requirement to complete a certified batterers' intervention program. The defense position throughout was that the case should not have been charged as a felony (or charged at all) based on the evidence developed during discovery and investigation. While the resolution was bittersweet given the strength of the defense case, the outcome for the client was excellent and reflected significant work by both attorneys.

Earlier this month, Attorney Charles Burden secured the dismissal of another serious domestic violence-related case. The client had been charged with Attempted Gross Sexual Assault and remained incarcerated on \$10,000 cash bail for approximately seven months while maintaining his innocence and rejecting multiple plea offers involving Department of Corrections time. The allegations arose from an incident involving two transient individuals living in a tent encampment. The alleged victim was ultimately uncooperative and did not participate in the prosecution. Without sufficient evidence to proceed, the case was dismissed in full at docket call after Charles continued to litigate and prepare the matter for trial.

Big Wins in Capital Region

Hillary Knight represented clients in two contested sentencing hearings Kennebec County over the course of two days. On Tuesday, she secured a fully suspended sentence on a major felony case where the client was terrified of jail and the State wouldn't go lower than six months.

On Wednesday, she argued a sentence where the client pled guilty to GSA (Class A) with the only agreement being a 25 year cap. Hillary passionately briefed and argued sentencing, getting the client a split sentence of 25 years, all but 17 to serve, with 6 years of probation. Considering the serious facts of the case, and despite it being a serious sentence, this result was what the client hoped to get.

In Somerset County, Attorney Ursa Beckford received a full dismissal on a case where our client was acting as a caretaker for an individual who died and was charged with felony theft based on an agreement between him and the decedent to take care of the house and the decedent's cats. The out of state heirs complained which resulted in charges, but upon review of the case, and Ursa's advocacy, the State's attorney did the right thing and dismissed the case.

Casco Bay Region Updates

In Cumberland County, Billy Vargas took on a complicated case alleging financial fraud. His client was indicted in 2023 while serving a separate sentence in New York State. Prosecutors from the State of Maine were aware of this, but rather than schedule an initial appearance, the State of Maine waited until the client was released in New York, costing him an opportunity for earlier resolution. Billy put on the record at the initial appearance on this 12 count indictment that a speedy trial issue existed and followed it with a detailed motion to dismiss. In the meantime, he got the client out of jail on a reasonable bail. The State chose to dismiss the case rather than to litigate the Speedy Trial issue.

In another case, Billy Vargas was able to demonstrate his client's actual innocence by pointing out inconsistencies between photo and video of the alleged crime and other videos purporting to identify the client. Once these inconsistencies were shown to the State's attorneys, they agreed and filed a dismissal.



Training for our Summer Interns

PDS partnered with MIDC in Portland to jointly offer a Summer Indigent Defense Intensive to onboard the interns who will be joining our offices across the State. Attorneys from both organizations, along with community partners will be teaching topics during the morning with interns familiarizing themselves with required reading materials in the afternoon. The goal is for these student attorneys to enter the offices with the basic knowledge required to jump right into

case work. Just of a few of the topics are: criminal process, constitutional obligations, client-centered representation, competency, youth defense, treatment courts, human trafficking, and storytelling. We hope providing a structured onboarding program will prepare students to have a positive introduction to criminal defense and PDS work and inspire them to join us after they graduate and pass the bar. This is part of a long-term strategy to address recruitment of attorneys to do PDS work to support a stable and long-term pool of capable attorneys to do assigned work.

Parents Defense Division Victories and Legislative Updates

Our attorneys continue to challenge the status quo at all stages of protective custody cases with amazing results. Some noteworthy recent victories include our newest attorney, Jess Mizzi, working diligently to locate a client who was named as a “putative father” in a child protection pleading. She found him relatively quickly, notified him that he was a possible dad in a child protection case (he had no idea he was a dad!) and worked with him to get paternity testing - which determined that he was, indeed, the father of the infant. Jess’ client was a safe and appropriate parent but just didn’t know he was a dad. Jess took his case to a summary preliminary hearing – the earliest hearing a parent can request when the Department alleges “immediate risk of serious harm” and helped her client find the resources to get clothing and other baby items so he would be adequately prepared for his infant to come home. She was unwavering in her commitment to her client and encouraged the Department to talk with him, visit his home and observe his visits. After preparing herself and her client for a contested hearing, on the morning of that hearing, DHHS agreed to return custody to the father. He was overwhelmed with emotion and gratitude. We don’t often see results like this so early in a case - Jess did inspiring work and the family is reunited because of it.

Attorneys Chelsea Peters and Jess Mizzi worked together on a case that has a common theme in the parent defense universe: parental substance use. Although these types of cases can be quite protracted, Chelsea and Jess achieved reunification for their client and her children before the Jeopardy hearing. They worked closely with their client to get her the services she needed and challenged the department to move quickly to reunify this family. On the day of the hearing, with mom having achieved sobriety and having participated in a number of services, the case was dismissed by the Department and this family was reunified without any adverse findings. A result like this is immeasurably liberating for families who have been living with the oversight and involvement of the Department and the courts.

Legislative Victory!

Parent defense attorneys and advocates across the State celebrated the passage of LD1544 – legislation drafted and supported by a cross-section of attorneys, advocates, and other interested parties. “An Act to Support Families by Improving the Court Process for Child Protection Cases” repealed a draconian law that penalized parents for exercising their right to trial in termination of parental rights cases. Prior to the passage of LD1544, parents who took a termination of parental rights case to trial and lost, could later have that used against them in another child protection case. The simple fact that the parent had a hearing and lost (as opposed to agreeing to have their rights terminated without a hearing) triggered an “aggravating factor” and could be, and often was, used against the parent in a later case. That clear inequity of process is now repealed and parents can no longer be punished for exercising their constitutional right to a hearing in a termination case. Additionally, LD 1544 enacted a provision that when the Department requests an order to take immediate custody of a child, it must now detail how it weighed the trauma of removal against the alleged immediate risk of serious harm to the child, and the specific factors it considered and services it offered to prevent removal. The court, in considering the department’s petition and then again when hearing the case at the summary preliminary hearing stage, is now required to consider the trauma of removal and whether the department exhausted its options to mitigate the immediate risk of serious harm to the child to avoid removal. These changes are common sense but required considerable collaboration across disciplines and advocates. This is a real victory for parents and those involved with family defense work. We will continue to report how this change plays out in the courts.

Parent defense attorneys across the country cannot underscore enough the tremendous weight and fear that families feel when State is monitoring them and their families. We are confident that challenging the Department’s involvement at the earliest stages, advocating for regular and more frequent contact between parents and children, employing experts, and challenging the status quo is and will continue to be beneficial for our clients and families.

Building the Team

The Tri-County team has been trying to prioritize regular collaborative case review. Most Fridays, the entire team—including attorneys, paralegals, our investigator, and office manager—meets together to discuss legal issues, troubleshoot cases, and share ideas.

These meetings have become an important part of the office culture and help ensure that difficult cases benefit from multiple perspectives and collective experience. I am extremely grateful for this team and for the work they do every day on behalf of our clients.



MAINE COMMISSION ON PUBLIC DEFENSE SERVICES 2026-2027 REGULATORY AGENDA

AGENCY UMBRELLA-UNIT NUMBER: 94-649

AGENCY NAME: Maine Commission on Public Defense Services

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

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2026-2027 RULEMAKING ACTIVITY:

CHAPTER 1 (Title TBD): GENERAL RULES

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026

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

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

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026

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

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

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026

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

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

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

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

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

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

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

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

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

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

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

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

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

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

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

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

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

CHAPTER TBD: Involuntary Commitment Practice Standards

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

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

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

CHAPTER TBD: Appellate Practice Standards

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

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

ANTICIPATION SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

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

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

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

ANTICIPATION SCHEDULE: Prior to October 1, 2026

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

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

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

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

ANTICIPATED SCHEDULE: Prior to February 1, 2027

AFFECTED PARTIES: Assigned counsel and contract counsel.

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

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel.

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

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

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

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

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

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026.

AFFECTED PARTIES: Assigned counsel and contract counsel.

AMENDMENT - CHAPTER 9: Indigency Guidelines

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2026.

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

Maine Commission on Public Defense Services

Proposed Rule: Chapter 7-D, Requirements for Payment of Paralegal and Secretarial Services

Detailed Basis Statement:

Pursuant to statute,

The Maine Commission on Public Defense Services, established by [Title 5, section 12004-G, subsection 25-A](#), is an independent commission whose purpose is to provide high-quality, effective and efficient representation and promote due process for persons who receive indigent legal services in parity with the resources of the State and consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest. 4 M.R.S. § 1801.

The Commission is charged with, “Establish[ing] processes and procedures to acquire investigative and expert services that may be necessary for a case, including contracting for such services” 4 M.R.S. § 1804(3)(L).

The Commission is statutorily obligated to adopt rules regarding “Other standards considered necessary and appropriate to ensure the delivery of high-quality, effective and efficient indigent legal services.” 4 M.R.S. § 1804(2)(G).

This Chapter establishes a method for Counsel to seek payment for Secretarial Services and Paralegal Services on assigned cases, consistent with the Commission’s mission and statutory obligations.

This Chapter is amended to repeal the sunset provision contained in Section 5 and clarify the opportunity for counsel to apply for additional hours of Paralegal and/or Secretarial Services.

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

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

SECTION 1. Definitions.

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

SECTION 2. Hourly Rate of Payment.

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

SECTION 3. Limitations.

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

SECTION 4. Administration.

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

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

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

SECTION 5. ~~Expiration.~~REPEALED.

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

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

APAO ACCESSIBILITY CHECK: August 12, 2025

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

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

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

SECTION 1. ~~DEFINITIONS~~DEFINITIONS.

- ~~1. 1.~~ 1. ~~Appellant~~Appellant. "~~Appellant~~Appellant" means a person who has filed an appeal.
- ~~2. 2.~~ 2. ~~Commission or PDS~~MCILS. "Commission" or "~~PDS~~MCILS" means the Maine Commission on Indigent-Legal~~Public Defense~~ Services.
- ~~3. 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.~~ 4. ~~File or Filing~~. "File" or "~~F~~filed" means delivery of an ~~original~~ document to ~~the MCILS-PDS Central Office~~. Delivery may be in-hand, by regular mail, by commercial delivery service, ~~or by email to the Executive Director or the like. Delivery may not be by electronic means such as email or facsimile.~~
- ~~5. 5.~~ 5. ~~MCILS-PDS~~ Advisor. "~~MCILS-PDS~~ Advisor" means a ~~MCILS-PDS~~ staff member designated by the Commission Chair to act as ~~MCILS-PDS A~~ advisor with respect to an appeal.
- ~~6. 6.~~ 6. Party. "Party" means the person bringing an appeal and the ~~MCILS-PDS~~ Executive Director.
- ~~7. 7.~~ 7. ~~Presiding Officer~~. "Presiding Officer" means the individual appointed by the Commission Chair to ~~conduct~~preside over the appeal proceedings under this Chapter ~~and make a recommended decision to the Commission.~~
- ~~8. 8.~~ 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~~Section.

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

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

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

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

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

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

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

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

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

- ~~A. A. Expedited Appeal.~~ The ~~appellant~~Appellant may choose to rely solely on the documentary evidence considered by the Executive Director and the Statement of Appeal. The decision to proceed under the Expedited Appeal process is irrevocable once the expedited process has commenced.
 - ~~B. B. Hearing on Appeal.~~ Alternatively, the ~~appellant~~Appellant may request to have a hearing pursuant to 5 ~~M.R.S.~~M.R.S. § 9052.
2. The ~~appellant~~Appellant must respond in writing to the ~~Presiding Officer~~PDS Advisor as to ~~his or her~~their selection of the type of appeal process within 15 calendar days after the written notice by the ~~Presiding Officer~~PDS Advisor is received. If the ~~appellant~~Appellant does not respond within the timeframe prescribed herein, ~~unless for good cause shown, the appeal process shall default to Presiding Officer shall commence~~ the Expedited Appeal process set forth in Section 4(1)(A).

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

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

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

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

~~A.~~

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

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

The ~~MCILS~~PDS Advisor shall:

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

SECTION 7. DEFAULT.

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

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

~~SECTION 8. EVIDENCE~~

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

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

SECTION ~~98.~~ SUBPOENAS AND DISCOVERY.

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

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

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

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

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

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

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

~~5. Pre-hearing conference.~~

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

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

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

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

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

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

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

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

~~SECTION 10. HEARINGS RECORDED~~

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

~~SECTION 11. DISMISSAL OF APPEAL~~

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

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

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

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

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

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

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

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

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

1. ~~Evidence.~~

4. **Evidence.**

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

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

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

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

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

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

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

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

SECTION 10. —RECOMMENDED DECISION.

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

2. **Basis.**

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

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

3. **Timing.**

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

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

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

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

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

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

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

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

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

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

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

- ~~1.——**Commission Consideration.** At the conclusion of the hearing by the Presiding Officer, the Commission shall consider the evidence before it and deliberate its decision. Such deliberations shall not be public but shall take place in executive session pursuant to 4 M.R.S. section 1806(2)(F) and 1 M.R.S. section 405(6)(E),(F). A quorum of the Commission will consider the Presiding Officer's recommended decision on a timely basis.~~
- ~~1. A quorum of the voting members of the Commission will consider the Presiding Officer's recommended decision at the next regularly scheduled Commission meeting, unless the next regularly scheduled Commission meeting is set to occur less than 14 calendar days after the Presiding Officer's recommended decision issues, in which case, the recommended decision will be considered at the following Commission meeting. No additional evidence, testimony, or argument will be heard.~~
- ~~2. 2- If requested by the Commission, the Presiding Officer may be present to assist the Commission. If the Presiding Officer appointed by the Commission Chair is a Commissioner, that Commissioner shall recuse from voting on Commission action on the recommended decision.~~
- ~~3. 3- After considering the recommended decision, a quorum of the voting members of the Commission shall vote as to whether the decision of the Executive Director was arbitrary and capricious or constituted an abuse of discretion.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 14. EXPEDITED APPEAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 12. _____ DISMISSAL OF APPEAL.

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

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

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

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

EFFECTIVE DATE:

August 21, 2011 – filing 2011-282