

MAINE COMMISSION ON INDIGENT LEGAL SERVICES 2021-2022 REGULATORY AGENDA

AGENCY UMBRELLA-UNIT NUMBER: **94-649**

AGENCY NAME: **Maine Commission on Indigent Legal Services**

Contact Person: Justin Andrus, Executive Director, 154 State House Station, Augusta, Maine 04333-0154. Telephone: (207) 287-3254; justin.andrus@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

Chapter 301

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

AMENDMENT - CHAPTER 2: Standards for Qualifications of Assigned Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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.

ANTICIPATED SCHEDULE: Prior to October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

AMENDMENT - CHAPTER 3: Eligibility Requirements for Specialized Case Types

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in specialized case types.

AMENDMENT - CHAPTER 101: Juvenile Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (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 an adequate representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

AMENDMENT - CHAPTER 102: Adult Criminal Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (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 an adequate representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

AMENDMENT - CHAPTER 103: Child Protective Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (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 an adequate representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

CHAPTER 104: Involuntary Commitment Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (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 October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

CHAPTER 105: Appellate Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (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 October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

CHAPTER 106: Post-Conviction Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (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 post-conviction review cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

CHAPTER 107: Lawyer of the Day Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 1804(2)(C), (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 adult and juvenile lawyer of the day appearances.

ANTICIPATION SCHEDULE: Prior to October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

AMENDMENT – CHAPTER 201: Appeals of Decisions of the Executive Director

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 the Executive Director's designee.

ANTICIPATION SCHEDULE: Prior to October 1, 2022

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and licensed attorneys who apply to become eligible to receive assignments in indigent cases.

AMENDMENT - CHAPTER 301: Fee Schedule for Rostered Attorneys

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

PURPOSE: To amend established standards for compensation of counsel and the reimbursement of counsel expenses for rostered attorneys.

ANTICIPATED SCHEDULE: Prior to July 1, 2022 for final adoption of this major substantive rule.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

AMENDMENT - CHAPTER 302: Procedures Regarding Funds for Experts and Investigators

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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, 2022.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases.

AMENDMENT - CHAPTER 401: Indigency Guidelines

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

PURPOSE: To amend established standards for compensation of counsel and the reimbursement of counsel expenses for rostered attorneys.

ANTICIPATED SCHEDULE: Prior to October 1, 2022.

AFFECTED PARTIES: Indigent people who may be entitled to representation a state expenses under the United States Constitution or the Constitution or Laws of Maine.

CHAPTER 501: Standards and Procedures for Evaluating Assigned and Contract Counsel

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

PURPOSE: To establish standards and procedures for evaluating assigned and contract counsel.

ANTICIPATED SCHEDULE: Prior to October 1, 2022.

AFFECTED PARTIES: Attorneys rostered by the Commission to receive assignments in indigent cases and attorneys who represent indigent people under contract with the Commission.



94-649

MAINE COMMISSION ON
INDIGENT LEGAL SERVICES

July 28, 2021

Don Wismer, APA Coordinator
Bureau of Corporations, Elections and Commissions
101 State House Station
Augusta, Maine 04333-1010

In Re: MCILS 2021-2022 Regulatory Agenda

Dear Don:

Enclosed please find a copy of the 2021-2022 regulatory agenda for the Maine Commission on Indigent Legal Services. An MS word version will be emailed to you as well.

Sincerely,

A handwritten signature in blue ink that reads "Ellie Maciag".

Ellie Maciag
Deputy Executive Director

Enclosure

