**MAINE COMMISSION ON PUBLIC DEFENSE SERVICES**

**2026-2026 REGULATORY AGENDA**

agency umbrella-unit number: **94-649**

agency name: **maine Commission on Public Defense Services**

**Contact Person:** Jim Billings, Executive Director, 154 State House Station, Augusta, Maine 04333-0154. Telephone: (207) 287-3254; jim.billings@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

Chapter 3: effective: July 31, 2024-October 29, 2024.

**EXPECTED 2025-2026 RULE-MAKING ACTIVITY:**

**AMENDMENT - CHAPTER 2:** Standards for Qualifications of Contract and Assigned Counsel

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 and contract counsel.

**AMENDMENT - CHAPTER 3:** Eligibility Requirements for Specialized Panels

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, 2026

AFFECTED PARTIES: Assigned counsel, contract 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.A. §§ 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.

**CHAPTER 8**: Audit Procedures for the Review of Counsel Vouchers and Non-Counsel Vendor Invoices

STATUTORY AUTHORITY: §§ 1804(3)(O) and (4)(D)

PURPOSE: To establish procedures for implementation of the audit management program to review the billing of assigned counsel and non-counsel vendor invoices.

ANTICIPATED SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel, contract counsel, and non-counsel vendors who provide necessary services in indigent cases.

**AMENDMENT - CHAPTER 101:** Juvenile Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 an adequate representation in juvenile cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**AMENDMENT - CHAPTER 102:** Adult Criminal Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 an adequate representation in criminal cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**AMENDMENT - CHAPTER 103:** Child Protective Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 an adequate representation in child protective cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 104:** Involuntary Commitment Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 105:** Appellate Practice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 106:** Post-ConvictionPractice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 post-conviction review cases.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**CHAPTER 107:** Lawyer of the DayPractice Standards

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 adult and juvenile lawyer of the day appearances.

ANTICIPATION SCHEDULE: Prior to October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**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, 2026

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

**AMENDMENT - CHAPTER 301:** Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel

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 October 1, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**AMENDMENT CHAPTER 301-A (TO BE RENAMED TO 301.1):** Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings

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

PURPOSE: To amend the eligibility for payment to private court and/or Commission 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 and contract counsel.

**AMENDMENT CHAPTER 301-B (TO BE RENAMED 301.2): Requirements for Payment of Paralegal and Secretarial Services**

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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:** 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, 2026

AFFECTED PARTIES: Assigned counsel and contract counsel.

**AMENDMENT CHAPTER 303:** 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 401:** Indigency Guidelines

STATUTORY AUTHORITY: 4 M.R.S.A. §§ 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 a state expenses under the United States Constitution or the Constitution or Laws of Maine.