



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 574

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H.P. 418

House of Representatives, February 5, 2019

**An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MOONEN of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §1802, sub-§4, ¶¶B and C**, as enacted by PL 2009, c. 419, §2,  
3 are amended to read:

4 B. An indigent party in a civil case in which the United States Constitution or the  
5 Constitution of Maine or federal or state law requires that the State provide  
6 representation; ~~and~~

7 C. Juvenile defendants; and

8 **Sec. 2. 4 MRSA §1802, sub-§4, ¶D** is enacted to read:

9 D. An indigent defendant or party or a juvenile for the purpose of filing, on behalf of  
10 that indigent defendant or party or juvenile, a petition for certiorari to the Supreme  
11 Court of the United States from an adverse decision of the Law Court on a case for  
12 which services were previously provided to that defendant or party or juvenile  
13 pursuant to paragraph A, B or C subject to the limitations in section 1804, subsection  
14 3, paragraph N.

15 **Sec. 3. 4 MRSA §1804, sub-§3, ¶¶L and M**, as enacted by PL 2017, c. 284, Pt.  
16 UUUU, §7, are amended to read:

17 L. Establish processes and procedures to acquire investigative and expert services  
18 that may be necessary for a case, including contracting for such services; ~~and~~

19 M. Establish procedures for handling complaints about the performance of counsel  
20 providing indigent legal services; and

21 **Sec. 4. 4 MRSA §1804, sub-§3, ¶N** is enacted to read:

22 N. Develop a procedure for approving requests by counsel for authorization to file a  
23 petition as described in section 1802, subsection 4, paragraph D. Compensation for  
24 preparation and filing of the petition may not exceed \$1,500.

25 **SUMMARY**

26 This bill includes in the definition of "indigent legal services" the filing, on behalf of  
27 an indigent party or defendant or a juvenile, of a petition for certiorari to the Supreme  
28 Court of the United States from an adverse decision of the Law Court on a case for which  
29 indigent legal services were provided. This bill also requires the Maine Commission on  
30 Indigent Legal Services to develop a procedure for approving requests by counsel for  
31 authorization to file a petition for certiorari. Compensation for the preparation and filing  
32 of the petition may not exceed \$1,500.