Annual List of Rule-Making Activity
Rules Adopted January 1, 2015 to December 31, 2015
Prepared by the Secretary of State, pursuant to 5 MRS §8053-A, sub-§5

Agency name:	**Maine Commission on Indigent Legal Services**
Umbrella-Unit:	**94-649**
Statutory authority:	4 MRS §§ 1804(2)(F), (3)(B), (3)(F), (4)(D); P.L. 2015 ch. 267 Sec. A-41, Sec. Y-l
Chapter number/title:	**Ch. 301**, Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel
Filing number:	**2015-121**
Effective date:	7/1/2015
Type of rule:	Major Substantive
Emergency rule:	Yes

Principal reason or purpose for rule:

Pursuant to 5 MRS §1804(3)(F) the Commission is required to establish the rate of compensation for assigned counsel. Currently, assigned counsel are paid $55.00 per hour. This emergency amendment raises the hourly rate paid to attorneys as directed by the Legislature to bring the hourly rate into alignment with the amount of funds appropriated by the Legislature for that purpose.

Basis statement:

The current MCILS fee schedule sets the hourly rate paid to attorneys providing indigent legal services at $55.00/hr. In Sec. A-41 of the biennial budget passed by the Legislature for fiscal years 2015-2016 and 2016-2017, the Legislature appropriated sufficient funds to pay lawyers $60.00/hr. for the 2015-2016 fiscal year and for the 2016-2017 fiscal year. The Legislature also directed the Commission, in Sec. Y-l of that budget, to adopt an emergency rule setting the hourly rate in accordance with the amounts appropriated. In its directive, the Legislature also exempted this emergency rule-making from the requirements of Title 5, section 8054, subsections 1 and 2. Accordingly, the Commission is exempted from the requirement of making findings with respect to this emergency rulemaking and none are set forth herein.

Fiscal impact of rule:

As compared to the existing rule, the rate increase contained in this emergency rule-making will increase the cost of providing indigent legal services by $1,470,790 in fiscal year 2015-2016 and by $1,592,773 in fiscal year 2016-2017.

Nearly all of the attorneys who provide indigent legal services operate small businesses that employ people and spend money in their local economy. The hourly rate paid to attorneys supports these small businesses and economic activity in their localities, and the increase in the hourly rate will enhance the economic impact of these businesses on the local and state economies.

Attorneys providing indigent legal services will be affected by the increase in the hourly rate of compensation. People receiving indigent legal services will be affected to the extent that the increased rate of pay provides additional resources to attorneys providing representation and helps retain and attract experienced and skilled attorneys able to provide quality representation.

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Umbrella-Unit: **94-649**
Statutory authority: 4 MRS §§ 1804(2)(B), (2)(G), (4)(D); Resolve 2015 ch. 38
Chapter number/title: **Ch. 2**, Standards for Qualifications of Assigned Counsel
Filing number: **2015-152**
Effective date: 9/17/2015
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:
Pursuant to 5 MRS §1804(2)(B), the Commission is required to promulgate standards for the qualifications assigned counsel. This rule sets forth those eligibility standards and the amendment enhances the Commission's authority to track and regulate attorney eligibility when events giving rise to questions about attorney's fitness to provide quality indigent legal services occur.

Basis statement:
This rule amends the MCILS standards for eligibility to provide indigent legal services to strengthen requirements that attorneys report bar disciplinary proceedings and criminal charges to the Commission by requiring that the reports be in writing and specifying exactly when the duty to report arises. The amendment also explicitly authorizes the Executive Director to remove or suspend attorneys from the roster of eligible attorneys and outlines the procedure for doing so.

Fiscal impact of rule:
No fiscal impact.