

**TESTIMONY ON BEHALF OF THE MAINE COMMISSION ON INDIGENT
LEGAL SERVICES**

PARTIAL INDIGENCY/COLLECTIONS DISCUSSION

John D. Pelletier, Esq., Executive Director

September 30, 2014

Senator Hill, Representative Rotundo, members of the Joint Standing Committee on Appropriations and Financial Affairs, my name is John Pelletier, Executive Director of the Maine Commission on Indigent Legal Services. I am here to testify in response to a request for information emailed to me on September 15, 2014, in which I was asked to provide information regarding **“the percentage of clients who at least partially self-pay for legal services; how much they are paying and the historical data and trend analysis of self-pay v. state subsidy”** and **“changes, if any, in the interpretation of qualification standards such that it has become easier to qualify for services or that would lower the share of costs to be borne by the defendant.”**

The Commission has been in operation for four full fiscal years. During that time, statistics show that counsel has been assigned in about one-third of criminal cases.¹

	FY11	FY12	FY13	FY14
Total Criminal Filings (Judicial Branch Data)	58,739	57,457	57,394	55,749
MCILS Voucher Paid	16,180	19,547	19,171	18,937
Percentage	27.5%	34.0%	33.4%	33.9%

¹ Note that these statistics do not identify the number of individuals who receive assigned counsel because many individuals have multiple cases.

The Commission receives payments from people who are ordered to reimburse the State for some or all of the cost of their representation and from bail funds that are set-off to reimburse the State for assigned counsel costs. The amounts collected during the four years of Commission operation are set forth below, together with the percentage that reimbursements comprise of our total expenditures:²

	FY11	FY12	FY13	FY14
Reimbursements	\$400,227	\$640,827	\$595,444	\$654,406 ³
Percentage of total Expenditures	3.8	5.2%	4.8%	4.9%

Regarding the percentage of people who are ordered to reimburse the State for some or all of the cost of their representation (partially indigent), the Judicial Branch information system cannot track this data. The Commission employs 6 full-time and 2 part-time financial screeners who work in courthouses doing financial assessments on people applying for assigned counsel. They keep statistics on the total number of people apply for counsel and, of those, what percentage are determined indigent, partially indigent, or not entitled to counsel. A summary of the screener statistics for the last four fiscal years appears below.⁴

	Indigent	Partial	Denied	TOTAL	%Indigent	%Partial	%Denied
FY'11	5197	1957	356	7510	69%	26%	5%
FY'12	5598	2068	406	8072	69%	26%	5%
FY'13	7132	2952	828	10912	65%	27%	8%
FY'14	8714	2331	1285	12330	71%	19%	10%

² Region by region collection statistics for FY14 are attached.

³ The largest amount collected by the Judicial Branch before the transition to MCILS was \$506,597.

⁴ Full FY14 statistics for each court region serviced by a financial screener are attached.

Finally, regarding any changes to the criteria to qualify for assigned counsel, the Commission promulgated indigency guidelines effective July, 2012.⁵ These guidelines are stricter than the guidelines previous promulgated by the Judicial Branch in two respects. First, the Judicial Branch guidelines had contained a presumption that any person receiving public benefits such as TANF, SSI, and SSDI would qualify for assigned counsel. The Commission's guidelines eliminated this presumption and call for an assessment of all income, including cash and in-kind public benefits, in determining whether a person qualifies for assigned counsel, and if so, whether that person has sufficient disposable income to contribute toward the cost of their representation. Second, the qualifying income level originally used by the Judicial Branch equaled 125% of the federal poverty guidelines. The Commission guidelines use 110% of the federal poverty level.

The guidelines are used by our financial screeners to make recommendations to the court about indigency and partial indigency. These recommendations and the guidelines themselves, however, are not binding on the court, as the court is a separate branch of government and is vested by the Maine Rules of Criminal Procedure with the final determination as to a person's entitlement to assigned counsel and whether that person must reimburse the State for the cost of their representation.⁶ Accordingly, the Commission has no actual control over the standards used by judges to determine whether a person qualifies.

⁵ A copy of the Commission's Indigency Guidelines is attached.

⁶ A copy of the Criminal rule governing the determination of indigency is attached.

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
COLLECTION STATISTICS
FISCAL YEAR 2014

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
COURTS													
WITH SCREENERS	36,024.00	41,310.00	30,762.00	61,582.00	39,147.00	39,206.00	55,131.00	94,763.00	73,958.00	63,216.00	51,473.00	50,571.00	53,095.25
W/O SCREENERS	2,642.00	2,313.00	916.00	2,129.00	2,830.00	3,108.00	5,677.00	3,687.00	1,465.00	2,888.00	1,785.00	985.00	2,535.42
TOTAL	38,666.00	43,623.00	31,678.00	63,711.00	41,977.00	42,314.00	60,808.00	98,450.00	75,423.00	66,104.00	53,258.00	51,556.00	55,630.67

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
MIDCOAST													
BATH SC	\$ 315.00	\$ 1,070.00	\$ 740.00	\$ 2,092.00	\$ 1,705.00	\$ 1,265.00	\$ 1,140.00	\$ 6,530.00	\$ 3,524.00	\$ 1,784.00	\$ 215.00	\$ 840.00	\$ 1,768.33
BATH UCD	\$ -	\$ 100.00	\$ 50.00	\$ 475.00	\$ 200.00	\$ 300.00	\$ 475.00	\$ 1,103.00	\$ 878.00	\$ 550.00	\$ 800.00	\$ 550.00	\$ 456.75
BELFAST DC	\$ 590.00	\$ 1,980.00	\$ 430.00	\$ 2,385.00	\$ 611.00	\$ 745.00	\$ 825.00	\$ 5,080.00	\$ 2,431.00	\$ 1,846.00	\$ 2,095.00	\$ 1,235.00	\$ 1,687.75
BELFAST SC	\$ 1,315.00	\$ 800.00	\$ 610.00	\$ 1,905.00	\$ 638.00	\$ 2,621.00	\$ 3,200.00	\$ 4,234.00	\$ 3,389.00	\$ 1,205.00	\$ 2,010.00	\$ 1,255.00	\$ 1,931.83
ROCKLAND DC	\$ 1,857.00	\$ 1,857.00	\$ 1,465.00	\$ 2,309.00	\$ 585.00	\$ 2,557.00	\$ 1,662.00	\$ 4,763.00	\$ 2,745.00	\$ 4,011.00	\$ 1,030.00	\$ 2,620.00	\$ 2,288.42
ROCKLAND SC	\$ 922.00	\$ 1,633.00	\$ 2,250.00	\$ 2,450.00	\$ 971.00	\$ 1,255.00	\$ 1,350.00	\$ 6,664.00	\$ 4,646.00	\$ 3,140.00	\$ 1,271.00	\$ 2,422.00	\$ 2,414.50
WISCASSET DC	\$ 120.00	\$ 718.00	\$ 465.00	\$ 100.00	\$ 270.00	\$ 1,395.00	\$ 230.00	\$ 3,779.00	\$ 2,288.00	\$ 3,738.00	\$ 3,455.00	\$ 1,126.00	\$ 967.58
WISCASSET SC	\$ 1,400.00	\$ 800.00	\$ 670.00	\$ 2,365.00	\$ 840.00	\$ 635.00	\$ 1,026.00	\$ 6,079.00	\$ 3,788.00	\$ 3,455.00	\$ 3,455.00	\$ 1,440.00	\$ 2,164.25
WEST BATH DC	\$ 1,140.00	\$ 1,825.00	\$ 793.00	\$ 1,669.00	\$ 1,508.00	\$ 970.00	\$ 780.00	\$ 6,472.00	\$ 2,977.00	\$ 2,545.00	\$ 508.00	\$ 375.00	\$ 1,796.83
TOTAL	\$ 7,659.00	\$ 10,783.00	\$ 7,473.00	\$ 15,750.00	\$ 7,328.00	\$ 11,743.00	\$ 10,688.00	\$ 44,704.00	\$ 26,616.00	\$ 19,682.00	\$ 10,144.00	\$ 13,165.00	\$ 15,476.25

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
ANDROSCOGGIN													
LEWISTON DC	\$ 2,116.00	\$ 1,450.00	\$ 2,095.00	\$ 4,330.00	\$ 1,582.00	\$ 2,155.00	\$ 1,490.00	\$ 4,480.00	\$ 3,166.00	\$ 4,077.00	\$ 4,410.00	\$ 3,305.00	\$ 2,888.00
AUBURN SC	\$ 2,991.00	\$ 6,017.00	\$ 1,136.00	\$ 11,609.00	\$ 4,299.00	\$ 2,290.00	\$ 5,908.00	\$ 6,904.00	\$ 8,179.00	\$ 4,590.00	\$ 2,092.00	\$ 3,283.00	\$ 4,941.50
SOUTH PARIS DC	\$ 25.00	\$ 225.00	\$ 110.00	\$ 1,000.00	\$ 335.00	\$ 595.00	\$ 215.00	\$ 110.00	\$ 580.00	\$ 210.00	\$ 150.00	\$ 445.00	\$ 402.50
SOUTH PARIS SC	\$ 335.00	\$ 50.00	\$ 125.00	\$ 1,790.00	\$ 450.00	\$ 125.00	\$ 803.00	\$ 2,215.00	\$ 750.00	\$ 1,440.00	\$ 350.00	\$ 5.00	\$ 177.50
TOTAL	\$ 5,467.00	\$ 7,742.00	\$ 3,466.00	\$ 18,729.00	\$ 6,666.00	\$ 5,165.00	\$ 8,416.00	\$ 13,709.00	\$ 12,675.00	\$ 10,317.00	\$ 7,002.00	\$ 7,038.00	\$ 8,409.50

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
KENNEBEC													
AUGUSTA DC	\$ 75.00	\$ 75.00	\$ 490.00	\$ 895.00	\$ 325.00	\$ 400.00	\$ 75.00	\$ 450.00	\$ 375.00	\$ 296.00	\$ 1,100.00	\$ 585.00	\$ 428.42
AUGUSTA SC	\$ 1,184.00	\$ 1,515.00	\$ 625.00	\$ 2,178.00	\$ 1,555.00	\$ 760.00	\$ 855.00	\$ 970.00	\$ 825.00	\$ 1,135.00	\$ 571.00	\$ 1,920.00	\$ 1,175.42
WATERVILLE DC	\$ 300.00	\$ 200.00	\$ 360.00	\$ 150.00	\$ 315.00	\$ 285.00	\$ 600.00	\$ 200.00	\$ 200.00	\$ 632.00	\$ 374.00	\$ 50.00	\$ 304.50
TOTAL	\$ 1,559.00	\$ 1,790.00	\$ 1,475.00	\$ 3,223.00	\$ 2,195.00	\$ 1,445.00	\$ 1,530.00	\$ 1,620.00	\$ 1,400.00	\$ 2,063.00	\$ 2,045.00	\$ 2,555.00	\$ 1,908.33

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
YORK													
BIDDEFORD DC	\$ 1,441.00	\$ 325.00	\$ 175.00	\$ 743.00	\$ 917.00	\$ 695.00	\$ 2,665.00	\$ 2,340.00	\$ 922.00	\$ 400.00	\$ 1,215.00	\$ 1,631.00	\$ 1,122.42
SPRINGVALE DC	\$ 800.00	\$ 245.00	\$ 640.00	\$ 1,390.00	\$ 1,623.00	\$ 1,275.00	\$ 325.00	\$ 1,846.00	\$ 325.00	\$ 815.00	\$ 1,240.00	\$ 620.00	\$ 928.67
ALFRED SC	\$ 6,706.00	\$ 9,674.00	\$ 8,328.00	\$ 6,800.00	\$ 10,118.00	\$ 6,822.00	\$ 18,932.00	\$ 12,962.00	\$ 16,084.00	\$ 16,053.00	\$ 16,926.00	\$ 14,733.00	\$ 12,011.50
TOTAL	\$ 8,947.00	\$ 10,244.00	\$ 9,143.00	\$ 8,933.00	\$ 12,658.00	\$ 8,792.00	\$ 21,922.00	\$ 17,148.00	\$ 17,331.00	\$ 17,268.00	\$ 19,381.00	\$ 16,984.00	\$ 14,062.58

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
CUMBERLAND													
PORTLAND DC	\$ -	\$ -	\$ 50.00	\$ 75.00	\$ 150.00	\$ 75.00	\$ 25.00	\$ 250.00	\$ 610.00	\$ 150.00	\$ 475.00	\$ 375.00	\$ 186.25
PORTLAND SC	\$ 180.00	\$ -	\$ -	\$ 190.00	\$ -	\$ 95.00	\$ 20.00	\$ 300.00	\$ 10.00	\$ 20.00	\$ -	\$ 20.00	\$ 69.58
CUMBERLAND UCD	\$ 9,251.00	\$ 7,568.00	\$ 6,744.00	\$ 12,004.00	\$ 7,331.00	\$ 9,255.00	\$ 9,288.00	\$ 10,317.00	\$ 8,650.00	\$ 9,260.00	\$ 9,545.00	\$ 6,298.00	\$ 8,792.58
TOTAL	\$ 9,431.00	\$ 7,568.00	\$ 6,794.00	\$ 12,289.00	\$ 7,481.00	\$ 9,425.00	\$ 9,333.00	\$ 10,867.00	\$ 9,270.00	\$ 9,430.00	\$ 10,020.00	\$ 6,693.00	\$ 9,048.42

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
ARROSTOOK													
Houlton DC													
Houlton SC													
Caribou SC													
TOTAL								\$ 100.00	\$ 100.00	\$ 30.00	\$ 80.00	\$ 170.00	\$ 95.00

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
COLLECTION STATISTICS
FISCAL YEAR 2014

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
HANCOCK													
ELLSWORTH DC													
ELLSWORTH SC													
ELLSWORTH UCD													
TOTAL:													7.50

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
PENOBSCOT													
BANGOR DC	\$ 150.00	\$ 50.00	\$ 100.00	\$ 150.00	\$ 100.00	\$ 160.00	\$ 200.00	\$ 40.00	\$ 450.00	\$ 250.00	\$ 280.00	\$ 200.00	\$ 177.50
BANGOR SC	\$ -	\$ -	\$ -	\$ -	\$ 25.00	\$ 25.00	\$ 25.00	\$ 200.00	\$ 225.00	\$ -	\$ -	\$ -	\$ 41.67
BANGOR UCD	\$ 2,811.00	\$ 3,133.00	\$ 2,311.00	\$ 2,528.00	\$ 2,694.00	\$ 2,451.00	\$ 3,017.00	\$ 6,475.00	\$ 5,871.00	\$ 4,196.00	\$ 2,521.00	\$ 3,756.00	\$ 3,480.33
TOTAL:	\$ 2,961.00	\$ 3,183.00	\$ 2,411.00	\$ 2,678.00	\$ 2,819.00	\$ 2,636.00	\$ 3,242.00	\$ 6,715.00	\$ 6,546.00	\$ 4,446.00	\$ 2,801.00	\$ 3,956.00	\$ 3,699.50

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	FY14 AVG
NO SCREENER													
BRIDGTON DC	\$ -	\$ -	\$ -	\$ -	\$ 50.00	\$ 130.00	\$ 150.00	\$ 50.00	\$ 100.00	\$ 50.00	\$ -	\$ 150.00	\$ 56.67
CALANS DC	\$ 72.00	\$ 498.00	\$ 100.00	\$ 100.00	\$ 80.00	\$ 528.00	\$ (20.00)	\$ -	\$ -	\$ 300.00	\$ 100.00	\$ 50.00	\$ 150.67
CARBOU DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DOVER-FOX DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 170.00	\$ -	\$ -	\$ -	\$ -	\$ 14.17
ELLSWORTH DC	\$ 30.00	\$ 10.00	\$ 65.00	\$ 90.00	\$ 75.00	\$ -	\$ 15.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35.63
FARMINGTON DC	\$ 435.00	\$ 255.00	\$ 135.00	\$ 1,010.00	\$ 265.00	\$ 65.00	\$ 60.00	\$ 280.00	\$ 310.00	\$ 133.00	\$ 350.00	\$ -	\$ 274.83
FORT KENT DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
HOULTON DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
LINCOLN DC	\$ -	\$ 50.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 726.00	\$ -	\$ -	\$ 64.67
MACHIAS DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50.00	\$ -	\$ 200.00	\$ 50.00	\$ 479.00	\$ -	\$ 50.00	\$ 69.08
MADAWASKA DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MILLINOCKET DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
NEWPORT DC	\$ 675.00	\$ 940.00	\$ 171.00	\$ 379.00	\$ 200.00	\$ 90.00	\$ 744.00	\$ 510.00	\$ 230.00	\$ 190.00	\$ 40.00	\$ 490.00	\$ 388.25
PREQUE ISLE DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RUMFORD DC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12.50
SKOWHEGAN DC	\$ 50.00	\$ 50.00	\$ -	\$ -	\$ 450.00	\$ 350.00	\$ 50.00	\$ 350.00	\$ -	\$ 320.00	\$ -	\$ -	\$ 135.00
YORK DC	\$ -	\$ 50.00	\$ -	\$ -	\$ 600.00	\$ -	\$ 400.00	\$ 1,257.00	\$ -	\$ 60.00	\$ 945.00	\$ 60.00	\$ 281.00
CARBOU SC	\$ 600.00	\$ -	\$ -	\$ -	\$ 25.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 78.13
DOVER-FOX SC	\$ -	\$ -	\$ 150.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12.50
ELLSWORTH SC	\$ 30.00	\$ 160.00	\$ 45.00	\$ 60.00	\$ 60.00	\$ 575.00	\$ 30.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 120.00
FARMINGTON SC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ 3,033.00	\$ 395.00	\$ -	\$ -	\$ -	\$ -	\$ 302.33
HOULTON SC	\$ -	\$ -	\$ -	\$ 150.00	\$ -	\$ -	\$ 340.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70.00
MACHIAS SC	\$ 150.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 175.00	\$ 150.00	\$ 50.00	\$ -	\$ -	\$ -	\$ -	\$ 60.42
SKOWHEGAN SC	\$ 100.00	\$ -	\$ 100.00	\$ 90.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24.17
ELLSWORTH UCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dover-Fox UCD	\$ -	\$ -	\$ -	\$ -	\$ 265.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22.08
FARMINGTON UCD	\$ 500.00	\$ 250.00	\$ -	\$ 200.00	\$ 310.00	\$ 300.00	\$ 500.00	\$ -	\$ 600.00	\$ 450.00	\$ 200.00	\$ -	\$ 275.83
SKOWHEGAN UCD	\$ -	\$ -	\$ 100.00	\$ -	\$ 400.00	\$ 425.00	\$ 225.00	\$ 425.00	\$ 175.00	\$ 180.00	\$ 150.00	\$ 185.00	\$ 188.75
TOTAL:	\$ 2,642.00	\$ 2,313.00	\$ 916.00	\$ 2,129.00	\$ 2,830.00	\$ 3,108.00	\$ 5,677.00	\$ 3,687.00	\$ 1,465.00	\$ 2,888.00	\$ 1,785.00	\$ 985.00	\$ 2,636.67

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS

ALL SCREENERS Fiscal Year 2014	Indigent	Partial	Denied	Screened but Pled	TOTAL	%Indigent	%Partial	%Denied
	8714	2331	1285	1863	12330	71%	19%	10%

MIDCOAST	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	108	86	24		218	50%	39%	11%
August	93	81	22		196	47%	41%	11%
September	85	66	24		175	49%	38%	14%
October	91	50	19		160	57%	31%	12%
November	90	68	17		175	51%	39%	10%
December	98	45	21		164	60%	27%	13%
January	105	76	21		202	52%	38%	10%
February	93	70	19		182	51%	38%	10%
March	98	75	23	1	196	50%	38%	12%
April	84	49	16	0	149	56%	33%	11%
May	97	88	23	1	208	47%	42%	11%
June	90	63	28	1	181	50%	35%	15%
TOTAL:	1132	817	257	3	2206	51%	37%	12%

Screener covers Belfast District and Superior Courts, Rockland District and Superior Courts, Wiscasset District and Superior Courts, Bath Superior Court, West Bath District Court and Two Bridges Regional Jail

ANDROSCOGGIN	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	121	21	8		150	81%	14%	5%
August	145	42	9		196	74%	21%	5%
September	99	26	3		128	77%	20%	2%
October	108	29	4		141	77%	21%	3%
November	101	29	0		130	78%	22%	0%
December	107	20	8		135	79%	15%	6%
January	115	23	2		140	82%	16%	1%
February	92	23	3	1	118	78%	19%	3%
March	104	21	6	1	131	79%	16%	5%
April	102	26	5	1	133	77%	20%	4%
May	90	29	5	0	124	73%	23%	4%
June	104	17	6	0	127	82%	13%	5%
TOTAL:	1288	306	59	3	1653	78%	19%	4%

Screener covers Lewiston District Court, Auburn Superior Court, South Paris District and Superior Courts, and Androscoggin County Jail.

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS**

KENNEBEC	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	89	20	5	8	114	78%	18%	4%
August	74	18	4	51	96	77%	19%	4%
September	51	10	3	24	64	80%	16%	5%
October	no screener during this month							
November (partial)	no screener during this month							
Screener coverage)	34	9	0	8	43	79%	21%	0%
December	71	19	1	51	91	78%	21%	1%
January	100	15	2	31	117	85%	13%	2%
February	129	15	8	47	152	85%	10%	5%
March	102	18	6	32	126	81%	14%	5%
April	109	20	7	22	136	80%	15%	5%
May	no screener during this month							
June	no screener during this month							
TOTAL:	759	144	36	215	939	81%	15%	4%

Screener covers Augusta District and Superior Courts, Waterville District Court and Kennebec County Jail

PENOBSCOT	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	93	18	20	66	131	71%	14%	15%
August	92	27	18	52	137	67%	20%	13%
September	119	27	14	61	160	74%	17%	9%
October	121	14	11	48	146	83%	10%	8%
November	109	38	27	39	174	63%	22%	16%
December	122	31	11	35	164	74%	19%	7%
January	144	13	17	49	174	83%	7%	10%
February	128	35	12	31	175	73%	20%	7%
March	171	24	16	35	211	81%	11%	8%
April	175	9	19	51	203	86%	4%	9%
May	178	29	13	67	220	81%	13%	6%
June	117	29	24	44	214	55%	14%	11%
TOTAL:	1569	294	202	578	2109	74%	14%	10%

Screener covers Penobscot County Unified Criminal Docket & Bangor District Court

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS

YORK	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	147	53	24		224	66%	24%	11%
August	149	60	14		223	67%	27%	6%
September	123	52	17		192	64%	27%	9%
October	142	45	14		201	71%	22%	7%
November	115	52	10		177	65%	29%	6%
December	127	48	14		189	67%	25%	7%
January	132	44	5	1	181	73%	24%	3%
February	108	46	7	1	161	67%	29%	4%
March	110	53	3	2	166	66%	32%	2%
April	103	54	6	3	163	63%	33%	4%
May	124	47	8	0	179	69%	26%	4%
June	101	48	9	4	158	64%	30%	6%
TOTAL:	1334	549	107	11	2214	60%	25%	5%

Screener covers Biddeford District Court, Springvale District Court, York County Superior Court and York County Jail

CUMBERLAND CTY	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	189	3	35		227	83%	1%	15%
August	216	17	47		280	77%	6%	17%
September	195	12	13	48	220	89%	5%	6%
October	120	24	3	46	147	82%	16%	2%
November								
(partial coverage)	49	5	1	29	55	89%	9%	2%
December								
(partial coverage)	166	3	23		192	86%	2%	12%
January	195	31	42	50	268	73%	12%	16%
February	202	12	41	28	255	79%	5%	16%
March	234	1	42	47	277	84%	0%	15%
April	229	3	61	50	293	78%	1%	21%
May	288	4	38	71	330	87%	1%	12%
June	278	3	36	19	317	88%	1%	11%
TOTAL:	2361	118	382	388	2861	83%	4%	13%

Screener covers Cumberland County Unified Court and Cumberland County Jail

MAINE COMMISSION ON INDIGENT LEGAL SERVICES
INDIGENCY STATISTICS

ARROSTOOK	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	No screener from January to March							
August								
September								
October								
November								
December								
January								
February								
March								
April	21	16	4	59	41	51%	39%	10%
May	59	34	5	13	98	60%	35%	5%
June	60	20	28	15	123	49%	16%	23%
TOTAL:	140	70	37	87	262	53%	27%	14%

Screener covers Houlton District, Houlton Superior, Caribou Superior and Arrostook County Jail

HANCOCK	Indigent	Partial	Denied	Pled	TOTAL	%Indigent	%Partial	%Denied
July	No screener from January to mid-April							
August								
September								
October								
November								
December								
January								
February								
March								
April								
(partial coverage)	9	4	0		13	69%	31%	0%
May	33	10	1		44	75%	23%	2%
June	25	19	2		46	54%	41%	4%
TOTAL:	67	33	3		103	65%	32%	3%

Screener covers Hancock County Unified Criminal Docket, Ellsworth District Court, and Hancock County Jail

**Chapter 401: GUIDELINES FOR DETERMINATION OF FINANCIAL ELIGIBILITY FOR
ASSIGNED COUNSEL AND REIMBURSEMENT FOR ASSIGNED COUNSEL
COSTS**

Summary: This chapter establishes guidelines for determining a person's financial eligibility for assigned counsel and for determining whether eligible persons should be required to reimburse the state for some or all of the cost of assigned counsel. These guidelines govern the work of financial screeners employed by the commission and are intended to provide guidance to courts in their determination of financial eligibility and the amount, if any, of reimbursement.

SECTION 1. DETERMINATION OF FINANCIAL ELIGIBILITY

1. Definitions. The following definitions shall be used in making a determination of financial eligibility:

- A. Income. Income means actual available current annual total cash receipts before taxes of all persons who are resident members of, and contribute to, the support of a family unit. Income may also include potential wages from seasonal employment when the applicant has a history of seasonal employment. Types of income include, but are not limited to: wages, income from self-employment, rents, royalties, child support, alimony, Social Security benefits, including SSDI and SSI, TANF benefits, VA benefits, general assistance, cash benefits, unemployment compensation, workers compensation, insurance or pension benefits, strike benefits, interest, dividends, and military family allotments. Income does not include in-kind assistance such as food stamps or vouchers.
- B. Cash assets. Cash assets means cash on hand; money in savings, checking, IRA, certificates of deposit or other readily accessible accounts; stocks or bonds that can be sold; and cash bail unless another person has been designated as the owner of the cash pursuant to 15 M.R.S.A. §1074(1).
- C. Other assets. Other assets include equity in real estate equal to an amount necessary to obtain a home equity loan; cash value of insurance policies; cash value of pension, retirement, or profit sharing plans to which the applicant has access; equity value of major personal property items such as boats, snowmobiles, and motor vehicles that are not needed for work or family transportation; valuable jewelry; antiques or collections; and any other property that could be sold, exchanged, or used to obtain a loan.

- D. Necessary Monthly Expenses. Necessary monthly expenses include only expenses necessary for the following:
- (1) food;
 - (2) shelter, including mortgage payments on a principal residence, rent and utilities;
 - (3) medical care, including medical insurance premiums paid by the applicant and installment payments on debts for medical expenses;
 - (4) employment, including loan payments on a vehicle used to get to work and uniforms required by the employer;
 - (5) debts, including minimum payments on credit card debt and payments on student loans and long term (longer than 6 months) personal loans.

Expenses for items not listed above should not be included in the calculation of necessary monthly expenses.

2. Procedure for determining financial eligibility and amount of reimbursement. The following procedures shall be used for determining financial eligibility and the amount of any reimbursement obligation:

- A. Determine gross income and assets of the applicant and all members of the applicant's family unit.
- B. If the cash assets of the applicant and the applicant's family unit exceed the amounts set forth below, the applicant is not eligible for assigned counsel. For adult criminal and juvenile cases: \$1,000 in cases where the most serious charge alleges a Class D or E crime; \$2,000 in cases where the most serious charge alleges a C crime; \$3,000 in cases where the most serious charge alleges a B crime; \$4,000 in cases where the most serious charge alleges a Class A crime; and \$2,500 for child protective cases.
- C. If the applicant's cash assets are less than the amounts above, it is necessary to determine whether the applicant can convert other assets into cash so that the applicant can retain an attorney. If the other assets are such that they can be used to hire an attorney, the applicant is not eligible. If the applicant is or has been converting cash assets into other assets, such as making a large down payment or substantial monthly payments on a motor vehicle or similar item, this fact can be taken into consideration in determining eligibility.
- D. If the applicant's cash and convertible assets equal less than the amounts listed in Paragraph 2, the income amount should be compared to the appropriate amount on the Income Table attached as Appendix A. The Income Table is based on 110% of the federal poverty guidelines and shall be updated by the Commission annually on July 1st. If the income of the applicant and applicant's family unit is less than the

appropriate amount on the Income Table, the applicant is eligible for assigned counsel.

- E. In order to determine whether the applicant can reimburse the State for the expense of assigned counsel, compare the monthly income of the applicant with the applicant's necessary monthly expenses. If income exceeds necessary monthly expenses, the applicant should be required to make periodic payments based on the amount by which income exceeds necessary expenses to reimburse the State for the cost of assigned counsel. Payments should be required up to an amount equal to the maximum fee set by the Commission for the type of case for which counsel is assigned. Maximum fees are set forth on Appendix B. Cash and convertible assets that are available but are insufficient to disqualify an applicant under subsection 2 should also be considered when determining whether an applicant can make reimbursement and the amount of reimbursement.
- F. Applicants whose income exceeds 110% of the federal poverty guidelines may be eligible for assigned counsel if they have extraordinary necessary monthly expenses that render them unable to retain counsel. In such cases, an order for reimbursement should be entered unless the interests of justice demand otherwise.
- G. In any case where a person represented by assigned counsel subsequently retains counsel, the court should, when granting assigned counsel leave to withdraw, order the person to reimburse the State for amounts expended for representation by assigned counsel prior to the entry of appearance of retained counsel.

SECTION 2. BAIL

- 1. In all cases where a criminal defendant represented by assigned counsel has posted cash bail that has not been designated the property of another pursuant to 15 M.R.S.A. §1074(1), the bail should be ordered set-off pursuant to 15 M.R.S.A. §1074(3)(c) to reimburse counsel fees and other expenses paid by the state for representation in the proceeding in which bail is posted or in any unrelated proceeding.

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

EFFECTIVE DATE:

APPENDIX A

INCOME TABLE FOR DETERMINATION OF ELIGIBILITY FOR ASSIGNED COUNSEL

Family Size	Gross Annual Income	Monthly Gross	Weekly Gross
1	\$12,837	\$1,069.75	\$246.86
2	\$17,303	\$1,441.91	\$332.75
3	\$21,769	\$1,814.08	\$418.63
4	\$26,235	\$2,186.25	\$504.51
5	\$30,701	\$2,558.41	\$590.40
6	\$35,167	\$2,930.58	\$676.28
7	\$39,633	\$3,302.75	\$762.17
8	\$44,099	\$3,674.91	\$848.05
For each additional person add	\$4,466	\$372.16	\$85.88

Allowable Cash Assets	
Class A	\$4,000
Class B	\$3,000
Class C	\$2,000
Class D & E	\$1,000
Protective Custody	\$2,500

APPENDIX B

MAXIMUM FEES FOR VARIOUS CASE TYPES

Chapter 301: FEE SCHEDULE AND ADMINISTRATIVE PROCEDURES FOR
PAYMENT OF COMMISSION ASSIGNED COUNSEL

Type	Amount
Class A	\$2,750.00
Class B & C (against person)	\$2,062.50
Class B & C (against property)	\$1,375.00
Class D & E (Superior or UCD)	\$687.50
Class D & E (District Court)	\$495.00
Post-Conviction Review	\$1,100.00
Probation Revocation	\$495.00
Miscellaneous	\$495.00
Juvenile	\$495.00
Child Protective	\$825.00
Termination of Parental Rights (with hearing)	\$1,155.00
Application for Involuntary Commitment	\$385.00
Petition for Emancipation	\$385.00
Petition for Modified Release Treatment	\$385.00
Petition for Release or Discharge	\$385.00
Criminal Direct Appeals & Appellate work	\$1,100.00

(1) *Before Verdict.* If the defendant in a proceeding in which the crime charged is murder or a Class A, Class B, or Class C crime appears in any court without counsel, the court shall advise the defendant of the defendant's right to be represented by counsel at every stage of the proceeding unless the defendant elects to proceed without counsel. If the defendant is without sufficient means to employ counsel, the court shall make an initial assignment of counsel. Assigned counsel must be designated by the Maine Commission on Indigent Legal Services as eligible to receive assignments for the type of case to which counsel is assigned. The Maine Commission on Indigent Legal Services will, pursuant to procedures established by the Commission, accept the initial assignment made by the court or substitute other counsel for counsel assigned by the court. Counsel initially assigned by the court shall remain counsel of record unless the Commission does not accept the assignment and provides notice of substitution of counsel and counsel files a notice of withdrawal pursuant to Rule 44B, or counsel is otherwise granted leave to withdraw pursuant to Rule 44B.

If a defendant in a proceeding in which the crime charged is a Class D or Class E crime appears in any court without counsel, the court shall advise the defendant of the defendant's right to be represented by counsel at every stage of the proceeding unless the defendant elects to proceed without counsel. If the defendant is without sufficient means to employ counsel, the court shall make an initial assignment of counsel, unless the court concludes that in the event of conviction a sentence of imprisonment will not be imposed. Assigned counsel must be designated by the Maine Commission on Indigent Legal Services as eligible to receive assignments for the type of case to which counsel is assigned. The Maine Commission on Indigent Legal Services will, pursuant to procedures established by the Commission, accept the initial assignment made by the court or substitute other counsel for counsel assigned by the court. Counsel initially assigned by the court shall remain counsel of record unless the Commission does not accept the assignment and provides notice of substitution of counsel and counsel files a notice of withdrawal or counsel is otherwise granted leave to withdraw under Rule 44B.

(2) *On Appeal.* Assigned counsel who represents a defendant in the District Court, the Superior Court, or a court with a unified criminal docket shall continue to

represent the defendant on appeal unless relieved by order of the trial or appellate court.

The court may assign counsel to a defendant determined indigent after verdict or finding pursuant to Rule 44A.

(b) *Determination of Indigency.* The court shall determine whether a defendant has sufficient means with which to employ counsel and in making such determination may examine the defendant under oath concerning the defendant's financial resources. A defendant does not have sufficient means with which to employ counsel if the defendant's lack of resources effectively prevents the defendant from retaining the services of competent counsel. In making its determination the court shall consider the following factors: the defendant's income, the defendant's credit standing, the availability and convertibility of any assets owned by the defendant, the living expenses of the defendant and the defendant's dependents, the defendant's outstanding obligations, the financial resources of the defendant's parents if the defendant is an unemancipated minor residing with his or her parents, and the cost of retaining the services of competent counsel.

If the court finds that the defendant has sufficient means with which to bear a portion of the expense of representation, it shall assign counsel to represent the defendant in accordance with subdivision (a)(1), above, but may condition its order on the defendant's paying to the court a specified portion of the counsel fees and costs of defense. When such a conditional order is issued the court shall enter an order stating its findings.

(c) *Compensation of Counsel.* Assigned counsel shall receive compensation for services performed and expenses incurred as assigned counsel pursuant to rates and standards established by the Maine Commission on Indigent Legal Services pursuant to 4 M.R.S. § 1804 (2), (3). Assigned counsel shall under no circumstances accept from the defendant or from anyone else on the defendant's behalf any compensation for services or costs of defense.

(d) *Counsel appointed or assigned by the Court* prior to the publication of rosters by the Commission. Counsel appointed or assigned by the court prior to the publication of rosters containing the names of attorneys designated by the Commission as eligible to receive assignments and those attorneys ap-