

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
SENATE ADVANCED JOURNAL AND CALENDAR**

Wednesday, April 18, 2018

SUPPLEMENT NO. 10

COMMUNICATIONS

(2-1) The Following Communication:

H.C. 510

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 17, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1897, "An Act To Reinstate Certain Other Special Revenue Funds Allocations For the Maine Commission on Indigent Legal Services."

Unlike some states, Maine does not employ public defenders. Instead, the court appoints private attorneys for individuals below certain income thresholds in some circumstances, thus fulfilling its obligation to provide legal counsel to these individuals. Appointed attorneys electronically submit bills to the Maine Commission on Indigent Legal Services (the "Commission") and the Commission then pays those attorneys. Nearly any attorney can fill out an application and begin getting paid \$60 an hour by the State. The Commission also pays for the cost of investigators and professional witnesses.

This structure, unlike a public defender program, can provide little oversight of appointed attorneys and cannot adequately control expenditures year over year. As a result, cost overruns in the program have required numerous supplemental budget allocations since the Commission's inception. In 2011, the Commission's budget was \$11 million. In just seven years, that figure has doubled to more than \$22 million. The situation is unsustainable.

The failure to improve our system for the provision of indigent legal services represents an abdication of responsibility on the part of the Legislature. Simply making available additional funding for this program will not provide better oversight or better quality of representation, nor will it control costs. Instead, the Legislature should establish public defenders' offices to put indigent Mainers on an even playing field with Maine's District Attorneys and to provide better oversight, uniform quality of representation and cost controls to the provision of legal services for the indigent.

For these reasons, I return LD 1897 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-2) The accompanying Bill "An Act To Reinstate Certain Other Special Revenue Funds Allocations for the Maine Commission on Indigent Legal Services"

H.P. 1330 L.D. 1897

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.
