

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
S.P. 642 - L.D. 1625

**An Act to Update Criminal Indictment Procedures and Expand the Provision
of Counsel to Certain Indigent Defendants**

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

Sec. 1. 15 MRSA §810, as amended by P&SL 1975, c. 147, Pt. C, §14, is repealed and the following enacted in its place:

§810. Copy of indictment furnished; assignment of counsel

1. Copy of indictment furnished. The clerk shall, without charge, furnish to any person indicted for a crime a copy of the indictment unless the indictment is sealed.

2. Assignment of counsel before arraignment. Before arraignment, competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and the accused is charged with murder or a Class A, B or C crime, except when the accused has not had an initial appearance on the complaint.

3. Assignment of counsel at arraignment. Competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and that:

- A.** There is a risk upon conviction that the accused may be sentenced to a term of imprisonment;
- B.** The accused has a physical, mental or emotional disability preventing the accused from fairly participating in the criminal proceeding without counsel; or
- C.** The accused is a noncitizen for whom the criminal proceeding poses a risk of adverse immigration consequences.