

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1003

H.P. 739

House of Representatives, February 11, 1997

An Act to Amend the Maine Civil Legal Services Fund.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative THOMPSON of Naples.
Cosponsored by Senator LONGLEY of Waldo and
Representatives: JABAR of Waterville, KERR of Old Orchard Beach, MAYO of Bath,
PLOWMAN of Hampden, Senators: BENOIT of Franklin, LAWRENCE of York, LIBBY of
York, TREAT of Kennebec.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 4 MRSA §18-A, sub-§1, ¶B,** as enacted by PL 1991, c.
5 503, is amended to read:

6 B. Money in the fund must be disbursed by ~~the administrator~~
7 ~~in accordance with allocations approved by the Legislature~~
8 ~~to legal service providers~~ to legal service providers to
9 support the provision of free civil legal services to
10 low-income people or the needy elderly in this State. Only
11 the following legal service providers may receive
12 disbursement to provide free civil legal services:

13
14 (1) Nonprofit organizations whose missions are to
15 provide free civil legal services and who have at least
16 one year of experience providing free civil legal
17 services;

18
19 (2) Legal aid clinics of accredited law schools
20 operating exclusively in Maine; and

21
22 (3) Programs whose primary mission is to coordinate
23 pro bono legal services for low-income people in this
24 State.

25
26 **Sec. 2. 4 MRSA §18-A, sub-§2,** as enacted by PL 1991, c. 503,
27 is amended to read:

28
29 **2. Administration.** The Supreme Judicial Court, or a person
30 or organization designated by the court, is the administrator and
31 shall administer the fund. The administrator shall disburse
32 funds according to determinations made by the commission
33 established in subsection 6. The administrator shall report at
34 least annually to the Legislature on the previous year's income
35 and expenditures.

36
37 **Sec. 3. 4 MRSA §18-A, sub-§3,** as enacted by PL 1991, c. 503,
38 is repealed.

39
40 **Sec. 4. 4 MRSA §18-A, sub-§3-A** is enacted to read:

41
42 **3-A. Funding.** Funding for the fund may be provided by the
43 following methods.

44
45 A. If filing fees are increased above the current level as
46 of January 1, 1997, \$20 of any filing fee paid in the
47 Superior Court, \$20 of any filing fee paid in the Supreme
48 Judicial Court and \$10 of any filing fee paid in any other
49 court must be deposited in the fund. If any new civil
50 filing fee is established after January 1, 1997, \$20 of the
51 new filing fee paid in the Superior Court or the Supreme
52 Judicial Court and \$10 of the new filing fee paid in any

2 other court must be deposited in the fund. This paragraph
3 does not apply to filings for which the filing fee is waived
4 or there is no filing fee.

5 B. A surcharge of \$5 must be imposed by a court on each
6 civil fine, penalty or forfeiture imposed by the court and
7 deposited in the fund.

8
9 **Sec. 5. 4 MRSA §18-A, sub-§5**, as enacted by PL 1991, c. 503,
10 is repealed.

11 **Sec. 6. 4 MRSA §18-A, sub-§6** is enacted to read:

12
13 **6. Distribution of funds.** The Supreme Judicial Court shall
14 appoint the Civil Legal Services Fund Commission, consisting of 3
15 persons knowledgeable about the problems of ensuring access to
16 justice in this State, to determine how to distribute the funds
17 in accordance with subsection 1 in a manner that will most
18 efficiently and effectively maintain and enhance access to
19 justice in this State. The commission shall review the
20 allocation at least every 4 years or on the request of any member
21 of the commission and shall make adjustments to the allocation
22 when appropriate. Funds must be distributed at least quarterly
23 with the first distribution occurring no later than January 2,
24 1998.

25 SUMMARY

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29 This bill creates a mechanism for funding the existing Maine
30 Civil Legal Services Fund, established by the Legislature in
31 1991, and for distributing those funds among the providers of
32 civil legal services to low-income Maine people and to the needy
33 elderly in Maine. The needy elderly and low-income people have
34 depended on Pine Tree Legal Assistance, the Volunteer Lawyers
35 Project, Legal Services for the Elderly, the Cumberland Legal Aid
36 Clinic, the University of Maine Law School and the Maine Equal
37 Justice Project for access to justice through provision of free
38 legal services. This fund is intended to help make up in part
39 for the severe cuts in these services in the recent past due to
40 the loss of over \$2,000,000 in funding for the services that
41 these organizations provide. It is also intended to provide a
42 stable source of support for those services in the future. The
43 bill creates a commission to determine the allocation of funds to
44 providers. Significant changes at the federal level have and
45 continue to require that the commission, composed of people
46 knowledgeable about the problems of ensuring access to justice in
47 Maine, be able to respond quickly and flexibly to the changing
48 environment for providing civil legal services to needy Maine
49 people. This bill funds the Maine Civil Legal Services Fund from
50 increases in civil filing fees in addition to a \$5 surcharge in
51 civil fines.
52