

MAINE STATE LEGISLATURE

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minority

L.D. 929

(Filing No. H- 147)

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Date: 4/26/17

Minority

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 704, L.D. 929, Bill, "An Act To Promote Legal Services in Rural Maine"

Amend the bill in section 1 by striking out all of §12901 (page 1, lines 5 to 10 in L.D.) and inserting the following:

§12901. Attorneys for Maine Program

The Attorneys for Maine Program is established to provide financial assistance for legal education for up to 5 law students per year pursuing juris doctor degrees from the University of Maine School of Law and who agree to provide return service in the State. The chief executive officer shall administer the program and shall establish pursuant to rules of the authority the rates of interest or fees to be charged.

Amend the bill in section 1 in §12902 by striking out all of subsections 5 to 7 (page 1, lines 21 to 27 in L.D.) and inserting the following:

5. Participating school. "Participating school" means any accredited institution of higher education.

6. Public service. "Public service" means service as an employee or as a contracted service provider for a governmental agency in the State or a private, nonprofit corporation with a public purpose under the United States Internal Revenue Code, Section 501(c)(3) in the State.

7. Return service. "Return service" means service as a licensed attorney practicing law in an underserved area of the State and maintaining residency in the underserved area in which the service is performed.

8. Underserved area. "Underserved area" means any of those areas of the State for which there are an insufficient number of attorneys providing legal services as may be determined by the chief executive officer after consultation with the Maine State Bar Association, or its successor, and other appropriate agencies.

COMMITTEE AMENDMENT

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1 Amend the bill in section 1 in §12903 by striking out all of subsections 1 to 3 (page
2 1, lines 30 to 32 and page 2, lines 1 to 20 in L.D.) and inserting the following:

3 '1. Criteria for loan recipients. Each year Maine residents within 4 years
4 subsequent to graduation from a participating school who have been accepted for
5 admission to the law school and show evidence of academic achievement may be
6 considered for recognition as Attorneys for Maine Program loan recipients. Special
7 consideration must be given to applicants who are graduates from a baccalaureate
8 program at a campus within the University of Maine System. Applications must be
9 submitted to the chief executive officer at a time and in a format to be determined by rule
10 of the authority. The chief executive officer in collaboration with the dean of the law
11 school or the dean's designee shall adopt rules to establish criteria for the selection of loan
12 recipients under this chapter.

13 2. Governor. The Governor, after consultation with the chief executive officer and
14 the dean of the law school, or the dean's designee, shall announce the names of those
15 individuals selected by the dean of the law school or the dean's designee and the chief
16 executive officer to be Attorneys for Maine Program loan recipients.'

17 Amend the bill in section 1 by striking out all of §12905 (page 2, lines 27 to 37 in
18 L.D.) and inserting the following:

19 '§12905. Payment provisions

20 Payment of a loan granted under this chapter must be made directly to the law school
21 for credit to the student's account and be made within 60 days following evidence that the
22 student has become duly enrolled at the law school. The loan must be used only to
23 substitute or replace the family contribution or an interest-accruing loan. A loan recipient
24 may not receive student financial assistance for tuition in excess of the cost of attendance
25 not including room, board and other nontuition expenses. If a recipient of a loan
26 withdraws from the law school and if the law school refunds in whole or in part tuition,
27 fees or other charges to which the student is entitled, the law school shall pay such refund
28 directly to the authority.'

29 Amend the bill in section 1 in §12906 in subsection 1 in the 2nd line (page 3, line 2 in
30 L.D.) by striking out the following: "in an underserved area"

31 Amend the bill by striking out all of section 2 and inserting the following:

32 **'Sec. 2. Appropriations and allocations.** The following appropriations and
33 allocations are made.

34 **FINANCE AUTHORITY OF MAINE**

35 **Attorneys for Maine Program N010**

36 Initiative: Provides funds for loans under the Attorneys for Maine Program.

37	GENERAL FUND	2007-08	2008-09
38	All Other	\$90,750	\$199,650

39	GENERAL FUND TOTAL	\$90,750	\$199,650
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COMMITTEE AMENDMENT "A" to H.P. 704, L.D. 929

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Attorneys for Maine Program N010

Initiative: Provides ongoing funds for the Finance Authority of Maine to administer the Attorneys for Maine Program.

GENERAL FUND	2007-08	2008-09
All Other	\$23,300	\$5,000
GENERAL FUND TOTAL	\$23,300	\$5,000

FINANCE AUTHORITY OF MAINE		
DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$114,050	\$204,650
DEPARTMENT TOTAL - ALL FUNDS	\$114,050	\$204,650

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides for the following changes to the Attorneys for Maine Program as presented in the bill.

1. It provides that up to 5 law students per year at the University of Maine School of Law may be selected as loan recipients under Attorneys for Maine Program.

2. It provides that special consideration for prospective loan recipients under the Attorneys for Maine Program may be made for law students at the University of Maine School of Law for those students who have received baccalaureate degrees from any of the University of Maine System campuses and not just the University of Maine campuses at Presque Isle, Machias, Fort Kent and Farmington.

3. It amends the definition of "underserved area" to require consultation with the Maine State Bar Association.

4. It incorporates a definition of "public service" as necessitated by the provision in the bill regarding a loan recipient who fails to obtain a license to practice law in the State.

5. It changes the appropriations and allocations section of the bill by providing for ongoing funds for the Finance Authority of Maine to administer the program created in the bill.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 929

LR 1348(02)

An Act To Promote Legal Services in Rural Maine

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$114,050	\$204,650	\$204,650	\$204,650
Appropriations/Allocations				
General Fund	\$114,050	\$204,650	\$204,650	\$204,650

Fiscal Detail and Notes

This bill includes total General Fund appropriations of \$114,050 in fiscal year 2007-08 and \$204,650 in fiscal year 2008-09 for the Finance Authority of Maine (FAME) to establish and administer the Attorneys for Maine program.

Of the total, \$90,750 is appropriated in fiscal year 2007-08 and \$199,650 in fiscal year 2008-09 to provide loans for up to 5 law students per year at the University of Maine School of Law. The Attorneys for Maine Program Fund is established as a nonlapsing, interest earning, revolving fund under the jurisdiction of FAME.

The remaining \$23,300 in fiscal year 2007-08 and \$5,000 per year beginning in fiscal year 2008-09 is appropriated to FAME for the costs associated with the initial start-up and ongoing administration of the Attorneys for Maine program. Although this legislation does allow FAME to utilize interest income from the Attorneys for Maine Program Fund to pay for the costs of administering the program, it is unclear whether there will be sufficient interest earnings to cover FAME's administrative costs.