

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1022

S.P. 440

In Senate, March 13, 2025

**An Act to Protect and Increase Access to Justice in Civil Legal
Matters for Persons with Low Incomes**

(EMERGENCY)

Received by the Secretary of the Senate on March 12, 2025. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.
Cosponsored by Representative POIRIER of Skowhegan and
Senators: BENNETT of Oxford, MOORE of Washington, ROTUNDO of Androscoggin,
Representatives: DHALAC of South Portland, KUHN of Falmouth, MOONEN of Portland,
RANA of Bangor.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** civil legal aid provides critical assistance to people facing eviction, tax
4 disputes, natural disasters, domestic violence, elder abuse and family separation and
5 barriers to accessing veterans' benefits and other public benefits including health care; and

6 **Whereas,** each year tens of thousands of Maine residents without legal representation
7 attempt to handle civil legal cases alone, resulting in the loss of essential rights and
8 resources, as well as the damaging economic effects on our communities; and

9 **Whereas,** approximately 356,500 Maine residents have incomes below 200% of the
10 federal poverty level; and

11 **Whereas,** most Maine residents with low incomes face at least one civil legal issue
12 each year that cannot be fairly resolved without legal advice or effective legal advocacy;
13 and

14 **Whereas,** sustaining and increasing investments in civil legal aid is crucial for
15 maintaining access to justice and a well-functioning judicial system; and

16 **Whereas,** Maine's future relies on a strong workforce in which people are healthy,
17 housed and safe; and

18 **Whereas,** unless adequate funding is provided in fiscal year 2025-26 and beyond,
19 access to justice in civil legal matters will be reduced, leaving even more unrepresented
20 litigants, slowing down court proceedings for everyone and subjecting many more persons
21 with low incomes to adverse outcomes due to a lack of professional representation and
22 advocacy; and

23 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
24 the meaning of the Constitution of Maine and require the following legislation as
25 immediately necessary for the preservation of the public peace, health and safety; now,
26 therefore,

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

28 **Sec. 1. 4 MRSA §18-A, sub-§3-A, ¶D** is enacted to read:

29 D. Beginning no later than July 1, 2026, an annual appropriation in an amount no less
30 than \$9,500,000 must be deposited in the fund in each fiscal year and distributed as
31 part of the quarterly distributions made in accordance with subsection 6.

32 **Sec. 2. 4 MRSA §18-A, sub-§3-A, ¶E** is enacted to read:

33 E. No later than April 1, 2026, and biennially thereafter, the joint standing committee
34 of the Legislature having jurisdiction over judiciary matters shall hold a public hearing
35 on the annual report of the Civil Legal Services Fund Commission submitted in
36 accordance with subsection 6, and on any additional information that organizations
37 receiving distributions from the fund or other members of the public may provide
38 concerning the extent to which the need for civil legal representation of persons with
39 low incomes remains unmet, including without limitation the number of civil legal aid
40 attorneys available in the State for each 10,000 persons with incomes below 200% of
41 the federal poverty level and the extent to which that number is less than 10 attorneys

1 per 10,000 persons with low income. No later than June 1, 2026, and biennially
 2 thereafter, the committee shall make a recommendation to the Governor and to the joint
 3 standing committee of the Legislature having jurisdiction over appropriations and
 4 financial affairs on the extent to which the appropriation required by paragraph D must
 5 be increased in the fiscal year following the appropriation and in subsequent fiscal
 6 years to sustain and improve access to justice in civil legal matters. The
 7 recommendation must be based on consideration of the annual report of the
 8 commission submitted in accordance with subsection 6 and other information received
 9 at the public hearing required by this paragraph. The joint standing committee of the
 10 Legislature having jurisdiction over judiciary matters may report out legislation on
 11 matters related to the annual reports of the commission submitted in accordance with
 12 subsection 6 and the committee's recommendation under this paragraph.

13 **Sec. 3. 4 MRSA §18-A, sub-§6**, as enacted by PL 1997, c. 173, §7, is amended to
 14 read:

15 **6. Distribution of funds.** The Supreme Judicial Court shall appoint the Civil Legal
 16 Services Fund Commission, consisting of 3 persons knowledgeable about the problems of
 17 ensuring access to justice in this State, to determine how to distribute the funds in
 18 accordance with subsection 1 in a manner that will most efficiently and effectively maintain
 19 and enhance access to justice in this State. The commission shall review the allocation at
 20 least every 4 years or on the request of any member of the commission and shall make
 21 adjustments to the allocation when appropriate. Funds must be distributed at least quarterly
 22 with the first distribution occurring no later than January 2, 1998. The commission shall
 23 compile information on the types of cases handled by recipient organizations and shall
 24 report this information and its allocation decisions annually to the joint standing committee
 25 of the Legislature having jurisdiction over judiciary matters no later than February 1, ~~1999~~
 26 1st.

27 **Sec. 4. Appropriations and allocations.** The following appropriations and
 28 allocations are made.

29 **JUDICIAL DEPARTMENT**

30 **Maine Civil Legal Services Fund Z367**

31 Initiative: Increases funding for civil legal services for persons with income below 200%
 32 of the federal poverty level by providing additional funds for distribution by determination
 33 of the Civil Legal Services Fund Commission pursuant to the Maine Revised Statutes, Title
 34 4, section 18-A, subsection 6.

35 GENERAL FUND	2025-26	2026-27
36 All Other	\$6,400,000	\$9,500,000
37		
38 GENERAL FUND TOTAL	<u>\$6,400,000</u>	<u>\$9,500,000</u>

39 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
 40 takes effect when approved.

41 **SUMMARY**

42 This bill provides for increases in the ongoing appropriation to the Judicial Department
 43 for civil legal services. The appropriation supplements existing revenue from ongoing

1 sources and replaces one-time funding with additional ongoing revenue to be distributed to
2 providers of civil legal services by determination of the Maine Civil Legal Services Fund
3 Commission. The bill also provides an ongoing minimum amount to be appropriated
4 annually to the Maine Civil Legal Services Fund. It requires the joint standing committee
5 of the Legislature having jurisdiction over judiciary matters to hold a public hearing on
6 civil legal services funding in 2026 and biennially thereafter and to make a
7 recommendation to the Governor and the Legislature based on those hearings regarding
8 additional funding for civil legal services. The bill also requires an annual report by the
9 commission to the joint standing committee of the Legislature having jurisdiction over
10 judiciary matters.