

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 744**

H. P. 600

House of Representatives, February 23, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tarbell of Bangor.

Cosponsor: Mr. Tierney of Lisbon.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Provide a Waiver of Court Costs and Fees.**

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

**4 MRSA § 1057** is enacted to read:

**§ 1057. Waiver of court fees and costs**

**Any person, by reason of poverty, may seek relief from the payment of any fees provided by law which are payable to any court, clerk of court or sheriff. The court, upon application of that person, which application shall be filed without fee, may, in its discretion, order the payment of those fees waived. In any case in which a person is represented by a legal aid society, a federally funded legal services project or counsel assigned in accordance with the rules of the court, all filing costs and other fees shall be waived by the clerk without the necessity of a court order. All fees otherwise payable to sheriffs that are waived pursuant to this section shall be reimbursed by the State to the sheriff affected.**

STATEMENT OF FACT

This bill seeks to ensure that individuals who are unable to afford the costs of filing and service fees will not be denied access to the courts.

This bill changes current court practice only to the extent that there would be established an automatic waiver of fees for individuals represented by a legal assistance group or by counsel appointed by a court. In light of the stringent income guidelines which would control in either of these situations, only individuals who are routinely given the waiver at present would be benefited by this waiver.

The proposed waiver of fees will relieve the courts of responsibility for a "pro forma" hearing in most cases, thereby avoiding unnecessary paperwork and saving the time of the court.