

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1147, L.D. 1672, Bill, "An Act to Establish the Maine Civil Legal Services Fund"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'4 MRSA §18-A is enacted to read:

§18-A. Maine Civil Legal Services Fund established

1. Creation of fund. The Maine Civil Legal Services Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support civil legal services to persons who otherwise are not able to pay for these services.

A. Money in the fund not needed to meet current obligations must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund.

B. Money in the fund must be disbursed by the administrator in accordance with allocations approved by the Legislature to legal service providers.

2. Administration. The Supreme Judicial Court, or a person or organization designated by the court, is the administrator and shall administer the fund. The administrator shall report at least annually to the Legislature on the previous year's income and expenditures.

2 3. Contribution. The Supreme Judicial Court may establish
3 procedures to encourage all attorneys at law licensed to practice
4 in this State to contribute annually a reasonable sum to the
5 fund, which procedures may include automatic contributions as
6 part of a registration or license fee that an individual may
7 avoid by written objection. All fees collected under this
8 subsection must be deposited into the fund on a quarterly
9 calendar basis.

10 4. Other funds. The fund may receive money from any
11 source, including grants, gifts, bequests and donations. Funds
12 appropriated and money received for the benefit of the fund must
13 be deposited to the fund.

14 5. Allocation. Each year, the administrator shall allocate
15 from the fund as follows.

16 A. From funds received as contributions under subsection 3,
17 the administrator shall first allocate to the Volunteer
18 Lawyers Project, as organized and operated by Pine Tree
19 Legal Assistance, Inc. and the Maine Bar Foundation, an
20 amount not less than \$26,500.

21 B. The administrator shall allocate any funds received as
22 contributions under subsection 3 not allocated under
23 paragraph A and all other funds as follows:

24 (1) To Pine Tree Legal Assistance, Inc., 60%;

25 (2) To the Bureau of Elder and Adult Services, Legal
26 Services for the Elderly, 35%; and

27 (3) To the Legal Aid Clinic of the University of Maine
28 School of Law, 5%.

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33 **FISCAL NOTE**

34 This bill establishes the Maine Civil Legal Services Fund to
35 provide legal services to the poor in civil matters and specifies
36 how the funds are to be allocated. Revenue to the fund will be
37 through voluntary contributions from attorneys as part of a
38 registration or license fee. Allocations of this dedicated
39 revenue will be required and will be dependent upon the amount of
40 the contributions collected. This revenue can not be estimated
41 at this time.

42 The cost associated with the Supreme Judicial Court
43 establishing procedures will be absorbed within the budgeted
44 resources of the Judicial Department.'

STATEMENT OF FACT

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4 The Committee Amendment creates the Maine Civil Legal
6 Services Fund to provide a mechanism to receive funds and
8 prioritize distribution of funding for legal services in civil
10 matters to people of low income. It provides for a flexible
12 funding system, primarily based on voluntary contributions
14 through a "negative check-off" system for lawyers. The Supreme
16 Judicial Court is requested to establish this contribution system
18 as part of its registration requirements for lawyers, and as an
20 extension of the existing contribution system. The Maine Civil
22 Legal Services Fund may include funds from other sources as
24 well. The Supreme Judicial Court will act as the administrator
of the fund, or will appoint a person or organization to act as
the administrator. The administrator will allocate the money in
the fund as provided in the statute. The Volunteer Lawyers
Project will receive at least \$26,500 of the contributions, which
is approximately the same amount as was contributed through a
voluntary checkoff on bar registrations to the Volunteer Lawyers
Project in 1989. Any money remaining in the fund and any
additional funds will be allocated as follows: 60% to Pine Tree
Legal Assistance, Inc.; 35% to Legal Services for the Elderly;
and 5% to the Legal Aid Clinic of the University of Maine School
of Law.

Reported by the Majority of the Committee on Judiciary
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House
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