

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1249

S.P. 453

In Senate, April 11, 1995

**An Act to Allow the Court to Dismiss Frivolous Lawsuits Filed by
Persons Requesting Leave to Proceed In Forma Pauperis.**

Submitted by the Department of Corrections pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator BENOIT of Franklin.
Cosponsored by Representatives: BUNKER of Kossuth Township, GOOLEY of Farmington.

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

4 **Sec. 1. 4 MRSA §1058** is enacted to read:

6 **§1058. Dismissal of frivolous actions**

8 If a person asks for leave to proceed in forma pauperis
10 pursuant to the Maine Rules of Civil Procedure, Rule 91, the
12 court shall examine the complaint or other paper to be filed and,
14 if the court finds that the action is frivolous, it shall dismiss
16 the action without prejudice, unless within 7 days after the
18 finding the plaintiff pays the filing fee to the clerk.

20 **STATEMENT OF FACT**

This bill allows the court to dismiss lawsuits filed by persons who ask for leave to proceed without liability for court fees or costs if the court finds that the action is frivolous.