

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 335, L.D. 457, Bill, "An Act to Discourage Frivolous Lawsuits by Prisoners"

Amend the bill in section 1 in that part designated "§1058." in subsection 3 in paragraph A in the 2nd line (page 1, line 39 in L.D.) by inserting after the following: "account" the following: 'for the 6-month period immediately preceding the filing of the action or appeal'

Further amend the bill in section 1 in that section designated "§1058." in subsection 5 in the 2nd line from the end (page 2, line 7 in L.D.) by inserting after the following: "frivolous" the following: 'and has been brought in good faith'

Further amend the bill in section 1 in that part designated "§1058." by inserting after subsection 7 the following:

'8. Civil liability. Neither the failure to perform the requirements of this section nor compliance with this section subjects the Commissioner of Corrections, the Department of Corrections, the county jail, the employees or officers of the department or jail or the attorney representing any of them to liability in a civil action.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

COMMITTEE AMENDMENT

2 The Department of Corrections and the Department of the
Attorney General will realize savings if there is a reduction in
the number of lawsuits against the Department of Corrections.
4 The amounts can not be estimated at this time.

6 The additional costs associated with forwarding payments
from the prisoner's facility account and providing additional
8 notification to victims can be absorbed by the Department of
Corrections utilizing existing budgeted resources.

10 This bill may decrease the number of civil suits filed in
12 the court system. The Judicial Department may realize some minor
savings from reductions of workload and administrative costs
14 associated with the minimal number of cases that will no longer
be filed.'

18 SUMMARY

20 This amendment makes 3 changes to the bill.

22 The first change clarifies that the court may collect as a
partial initial filing fee a percentage of the average monthly
24 deposits made to the person's facility account in the last 6
months. This is consistent with the rest of the bill.

26 The 2nd change allows the civil action or civil appeal to go
28 forward for a person with no assets or means by which to pay the
initial filing fee if the action or appeal was not only not
30 frivolous, but also was brought in good faith. This is
consistent with the rest of the bill.

32 The 3rd change ensures that the Department of Corrections
34 and the county jails and their employees and officers, including
the attorney representing them, are not liable in a civil suit
36 for carrying out the provisions of this law and are not liable in
a civil suit for noncompliance with the law. This provision is
38 identical to language contained in the Maine Criminal Code
concerning notification of victims about the release of a
40 defendant.

42 The amendment also adds a fiscal note to the bill.