

MAINE STATE LEGISLATURE

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M
R of S

L.D. 1003

DATE: 4-30-97

(Filing No. H-295)

MAJORITY
JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 739, L.D. 1003, Bill, "An Act to Amend the Maine Civil Legal Services Fund"

Amend the bill in section 1 in paragraph B in the first line (page 1, line 6 in L.D.) by striking out the following: "Money" and inserting in its place the following: 'Money Except as provided in paragraph C, money'

Further amend the bill in section 1 in paragraph B in the 5th line (page 1, line 10 in L.D.) by inserting after the following: "State." the following: 'Money disbursed from the fund may not be used by a recipient to support lobbying as defined in Title 3, section 312-A, subsection 9, unless the recipient is responding to a request by a Legislator or a member of the Executive Department.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 4 MRSA §18-A, sub-§1, ¶C is enacted to read:

C. In the first year the Judicial Department may draw from the fund any programming, printing and distribution costs that are necessary to implement surcharges on fines, penalties or forfeitures as provided in subsection 3-A.'

COMMITTEE AMENDMENT

RMS

COMMITTEE AMENDMENT "A" to H.P. 739, L.D. 1003

2 Further amend the bill in section 4 in subsection 3-A by
striking out all of paragraph A (page 1, lines 45 to 52 and page
4 2, lines 1 to 3 in L.D.) and inserting in its place the following:

6 'A. For any filing fee increase or new filing fee
established after September 1, 1997, the following amounts
8 must be deposited in the fund:

10 (1) The first \$20 of any increase in each Supreme
Judicial Court filing fee or of any new fee;

12 (2) The first \$20 of any increase in each Superior
14 Court filing fee or of any new fee; and

16 (3) The first \$10 of any increase in each filing fee
or of any new fee in any other court except for fees
18 filed to commence a small claims action.

20 This paragraph does not apply to filings for which the
filing fee is waived or there is no filing fee.'
22

Further amend the bill in section 6 by inserting at the end
24 a new sentence to read: 'The commission shall compile
information on the types of cases handled by recipient
26 organizations and shall report this information and its
allocation decisions to the joint standing committee of the
28 Legislature having jurisdiction over judiciary matters no later
than February 1, 1999.'

30 Further amend the bill by inserting after section 6 the
32 following:

34 **'Sec. 7. Allocation.** The following funds are allocated from
Other Special Revenue to carry out the purposes of this Act.

36 1997-98 1998-99

38 **JUDICIAL DEPARTMENT**

40 **Maine Civil Legal Services Fund**

42 All Other \$319,346 \$425,795

44 Allocates funds for free
46 civil legal services to
low-income or needy people
48 and one-time computer
reprogramming and printing
50 costs.'

COMMITTEE AMENDMENT

2 Further amend the bill by relettering or renumbering any
4 nonconsecutive Part letter or section number to read
consecutively.

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

8
10 **FISCAL NOTE**

12		1997-98	1998-99
14	APPROPRIATIONS/ALLOCATIONS		
16	Other Funds	\$319,346	\$425,795

18 **REVENUES**

20	Other Funds	\$319,346	\$425,795
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22 The imposition of a \$5 surcharge on each civil fine will
24 increase dedicated revenue to the Maine Civil Legal Services Fund
by \$319,346 in fiscal year 1997-98 and \$425,795 in fiscal year
26 1998-99. Allocations in these amounts are included to authorize
the expenditure of the additional dedicated revenue for legal
28 services and for one-time reprogramming and printing costs of the
Judicial Department.

30 Additional dedicated revenue to the Maine Civil Legal
32 Services Fund may be generated by dedicating a portion of certain
filing fees increased or new filing fees established after
34 September 1, 1997. This additional dedicated revenue may range
between \$78,460 to \$537,000 annually.

36 The additional costs associated with appointing a Civil
38 Legal Services Fund Commission can be absorbed by the Judicial
Department utilizing existing resources.'

40
42 **SUMMARY**

44 This amendment clarifies the original bill by prohibiting
any money disbursed from the Maine Civil Legal Services Fund from
46 being used for lobbying purposes, except when the recipient
organization is responding to a request by a Legislator or a
member of the Executive Department.

48 It also allows the Judicial Department to draw necessary
50 start-up costs from the fund.

R.S.
COMMITTEE AMENDMENT "A" to H.P. 739, L.D. 1003

2 It further clarifies that fee increases or new fees in at
4 least the stated amounts must be established before those amounts
6 may be deposited in the fund. This change is necessary to avoid
8 a negative impact on the General Fund if a filing fee is
 increased by less than the amount to be deposited in the fund.
 It also changes the date that triggers the funding mechanism from
 January 1, 1997 to September 1, 1997.

10 The amendment exempts small claims fees from deposits in the
12 fund. It requires the Civil Legal Services Fund Commission to
14 report to the joint standing committee of the Legislature having
16 jurisdiction over judiciary matters by February 1, 1999 on the
 types of cases handled by recipients and how the commission has
 allocated money distributed from the fund. It also adds an
 allocation section and a fiscal note to the bill.

COMMITTEE AMENDMENT