

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1324, L.D. 1884, Bill, "An Act To Improve the Prisoner Telephone System"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 4 MRSA §1058, sub-§§1, 3 and 4, as enacted by PL 1997, c. 75, §1, are further amended to read:

1. Prepayment of filing fee and certified copies required. A person who is confined in a federal, state, county or local correctional or detention facility may not bring a civil action arising under federal or state law in any court in this State with respect to a condition of that person's confinement or the effect of an action or inaction by a government official on the life of that person confined and may not appeal a judgment in such a civil action without prepayment of the filing fee unless, in addition to the in forma pauperis application and affidavit required by the Maine Rules of Civil Procedure, Rule 91, that person submits a certified copy of the facility general client account statement for that person for the 6-month period immediately preceding the filing of the action or appeal, obtained from the appropriate official of each facility at which that person is or was confined.

3. Full payment of filing fee required; initial partial filing fee. Notwithstanding subsection 2, the person shall pay the full amount of the filing fee. The court shall assess the person's financial status and, when funds exist, collect as a partial payment of the filing fee an initial partial filing fee of 20% of the greater of:

COMMITTEE AMENDMENT

2 A. The average monthly deposits to the ~~person's--facility~~  
3 general client account credited to the person for the  
4 6-month period immediately preceding the filing of the  
5 action or appeal; or

6 B. The average monthly balance in the ~~person's--facility~~  
7 general client account for the person for the 6-month period  
8 immediately preceding the filing of the action or appeal.

9  
10 4. **Payments from account.** After payment of the initial  
11 partial filing fee, the person shall make monthly payments of 20%  
12 of the preceding month's deposits to the general client account  
13 credited to the person's--facility--account person. The facility  
14 having custody of the person shall forward monthly payments from  
15 the account to the clerk of the court each time the amount in the  
16 account for the person exceeds \$10 until the filing fee is paid  
17 in full.'

18  
19 Further amend the bill by striking out all of section 8  
20 (page 5, lines 30 to 44 in L.D.) and inserting in its place the  
21 following:

22  
23 'Sec. 8. 34-A MRSA §3040-A, sub-§4, as amended by PL 1991, c.  
24 824, Pt. A, §69, is further amended to read:

25  
26 4. **Alternative payment.** Notwithstanding subsection 1, upon  
27 presentation of an affidavit under Title 18-A, section 3-1201,  
28 the chief administrative officer shall pay the balance of any  
29 deposit left by a decedent in the client's department's general  
30 client account or telephone call account ~~at--a--correctional--or~~  
31 ~~detention--facility~~ and deliver the decedent's personal property  
32 to the client's decedent's successor under Title 18-A, sections  
33 3-1201 and 3-1202. The payments under this subsection take  
34 precedence over payments under subsection 1 to the extent of the  
35 balance of the deposits in the clients'-account accounts and the  
36 personal property remaining in the custody of the chief  
37 administrative officer at the time the affidavit is presented.'

38  
39 Further amend the bill by relettering or renumbering any  
40 nonconsecutive Part letter or section number to read  
41 consecutively.

42  
43  
44 **SUMMARY**

45  
46 This amendment makes the provisions for deductions from a  
47 prisoner's account for the payment of court filing fees  
48 consistent with the changes proposed in the bill for deductions  
49 for the payment of fines and restitution.

50  
51 **FISCAL NOTE REQUIRED**  
(See attached)



# 122nd MAINE LEGISLATURE

LD 1884

LR 3012(02)

## An Act to Improve the Prisoner Telephone System

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

### Correctional and Judicial Impact Statements

The Department of Corrections may incur minor costs to administer the provisions of this legislation.