



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 483

S.P. 189

In Senate, February 19, 2021

An Act To Clarify Funding for Civil Legal Services

(EMERGENCY)

Submitted by the Judicial Department pursuant to Joint Rule 204.
Received by the Secretary of the Senate on February 17, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** acts of the previous Legislature have resulted in a lack of clarity regarding
4 the intent of certain laws affecting the funding of civil legal services for low-income
5 persons and the reference of cases to the Court Alternative Dispute Resolution Service; and

6 **Whereas,** this lack of clarity has created uncertainties and confusion in interpreting
7 legislative intent and resulted in unintended reductions in the additional funding of civil
8 legal services provided by a recent act of the Legislature; and

9 **Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved
10 in order to prevent any injustice or hardship to the citizens of Maine; and

11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore,

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

16 **Sec. 1. 4 MRSA §18-A, sub-§3-A, ¶C,** as enacted by PL 2019, c. 509, §3, is
17 amended to read:

18 C. A surcharge of \$127 must be imposed by a court on the fee for commencement of
19 each debt collection action ~~for small claims~~ or money judgment disclosure action when
20 the action is brought by ~~a person who is~~ a debt collector ~~within the meaning of, as~~
21 defined by Title 32, section 11002, subsection 6, ~~and the.~~ The surcharge must be
22 deposited in the fund and is not a recoverable cost under Title 14, section 1502-B.

23 **Sec. 2. 4 MRSA §18-B, sub-§7,** as enacted by PL 1995, c. 560, Pt. I, §3, is amended
24 to read:

25 **7. Fees Authority and fees.** ~~When~~ The Judicial Department is authorized to refer
26 cases to the Court Alternative Dispute Resolution Service for mediation and, when a court
27 refers parties to the Court Alternative Dispute Resolution Service for mediation, the court
28 shall assess the parties a fee to be apportioned equally among the parties, unless the court
29 otherwise directs. The fee must be deposited in the dedicated account created in subsection
30 8.

31 A party may file an in forma pauperis application for waiver of fee. If the court finds that
32 the party does not have sufficient funds to pay the fee, it shall order the fee waived.

33 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
34 takes effect when approved.

35 SUMMARY

36 This bill clarifies 3 aspects of the law pertaining to the Maine Civil Legal Services
37 Fund and the collection of fees and surcharges by the Judicial Department.

38 The bill clarifies that the Maine Civil Legal Services Fund surcharge on debt collection
39 actions is payable at the commencement of debt collection actions, whether or not they are

1 classified as small claims cases, and that the surcharge is imposed with respect to money
2 judgment disclosure actions.

3 The bill clarifies that the Maine Civil Legal Services Fund surcharge is not included as
4 a recoverable cost under the Maine Revised Statutes, Title 14, section 1502-B.

5 The bill clarifies that the Judicial Department may refer cases to the Court Alternative
6 Dispute Resolution Service for mediation and collect fees as appropriate.