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TESTIMONY

In Support of

LD 564 An Act to Improve Access to Civil Legal Services

Joint Standing Committee on Judiciary

March 21, 2023

Maine Long-Term Care Ombudsman Program

Good afternoon, Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary

The Ombudsman Program staff are pleased to provide testimony in support of this legislation that provides for increases in the ongoing appropriation to the Judicial Department for civil legal services. The funding supplements existing revenue that is distributed to providers of civil legal services by determination of the Civil Legal Services Fund.

This funding is critical to ensure that Mainers with low incomes will have access to representation and legal advice. It will allow civil legal aid providers to maintain and increase current staffing capacity and move Maine closer to meeting the unmet legal needs of Mainers with low income. The need for these services is significant across the state. Approximately 26.7% of Maine people are living below 200% of the federal poverty line. (2001, State Health Facts, Distribution of the Total Population by Federal Poverty Level – above and below 200% FPL)

The Ombudsman Program works collaboratively with Legal Services for the Elderly and Disability Rights Maine, two of the nonprofit legal services providers whose ability to provide legal services would be supported and expanded with this funding. We have found both agencies to be both dedicated and effective in providing needed legal assistance to the older and disabled individuals we serve. Every day, their work makes a difference for individuals who would

otherwise, be without the legal assistance they need.

Examples of their work:

- Representation at administrative hearings when older and disabled individuals receive a denial, reduction, or termination of needed home care services.
- Appealing an involuntary discharge from a long-term care facility
- Obtaining an ADA reasonable accommodation to increase home care services for an older woman with dementia. The additional hours gave her family caregivers the essential support they needed to keep their mother at home preventing admission to a nursing home.
- Obtaining an ADA reasonable accommodation so that skilled nursing care would be provided for younger individuals with medical conditions that require this care to remain independent in the community.
- A protection from abuse order for an older woman who had been assaulted.

We continue to see an increase in the need for ADA reasonable accommodation requests that require legal assistance as well as other legal issues experienced by older and disabled individuals who cannot afford an attorney. Currently, Maine has less than two legal aid attorneys per 10,000 people living below 200% of poverty. The National Justice Index indicates that states need 10 legal aid attorneys per 10,000 people living below 200% of poverty. The funding proposed in this legislation would support 3.6 legal aid attorneys per 10,000 people living below 200% of poverty. This would be an important step forward in reaching low-income Mainers who need legal assistance.

Thank you for your consideration.