

132nd Legislature
Senate of
Maine
Senate District 29

Senator Anne Carney
3 State House Station
Augusta, ME 04333-0003
Office (207) 287-1515

Testimony of Senator Anne Carney introducing
**LD 1022, “An Act to Protect and Increase Access to Justice in Civil Legal
Matters for Persons with Low Incomes,”**
Before the Joint Standing Committee on Judiciary
Thursday, April 17, 2025

Representative Kuhn and esteemed colleagues on the Committee on Judiciary, I am Senator Anne Carney, proudly representing Senate District 29, which includes South Portland, Cape Elizabeth and part of Scarborough. It is a pleasure to be with you today to introduce LD 1022, “An Act to Protect and Increase Access to Justice in Civil Legal Matters for Persons with Low Incomes.”

As lawmakers and members of the Judiciary Committee, we take to heart the last phrase of the Pledge of Allegiance: “and justice for all.” We have worked together to protect the legal rights of all Mainers and ensure that all in our state have access to justice. This is a daunting task, as our work this session has demonstrated.

We lack lawyers in rural parts of our state. We need more lawyers with expertise in areas of the law that most impact those who cannot afford an attorney — critical problems like eviction, domestic violence, elder abuse and denial of veterans' benefits. And we need financial resources to ensure that our excellent network of civil legal aid providers remains strong and can meet the growing needs of Mainers with low incomes.

As this committee knows, defendants in criminal matters have a Constitutional right to be represented by a lawyer in court, because of the loss of liberty and property that can result from a criminal conviction. Many civil legal issues also have life-altering impact, such as evictions and foreclosures that can leave an individual or family without a home, disputes about taxes that can be financially devastating, domestic violence or elder abuse with terrible consequences, or denials of health care, education, veterans' benefits or public assistance for people who have fallen on hard times. When people face these issues without professional legal representation, the outcomes often plunge them into deeper poverty and vulnerability.

Thousands of people with low income in Maine navigate life-altering civil legal problems each year without access to a lawyer. For example, in 2023:

- 7,345 people, most of them tenants, went through eviction cases in court without an attorney. In 83% of eviction cases, at least one party was unrepresented.
- 13,669 people navigated Protection from Abuse cases without an attorney. In 97% of Protection from Abuse cases, at least one party was unrepresented.
- 1,178 people, most of them homeowners, went through foreclosure cases without an attorney. In 92% of foreclosure cases, at least one party was unrepresented.

The cost and availability of the court system for all who seek justice is adversely affected when any litigants are unrepresented, because those who have lawyers are able to proceed more efficiently through court proceedings, consuming less of the judge's time. Often matters that might take substantial time in court can be resolved outside of the courtroom altogether when lawyers for both sides can recognize the strengths and weaknesses in a case and work out a mutually satisfactory solution.

You may know that I served as a volunteer attorney with Pine Tree Legal Assistance (PTLA). Let me share just one example of the benefits of civil legal aid that extend beyond the help it provides to the client who receives that representation.

An employee came to PTLA because she had been fired. The situation was more complicated — she had a medical emergency that caused her to need a month off to rest and undergo PT. She was eligible for Maine FMLA, but the employer was only familiar with federal FMLA which has different eligibility requirements. The employee faced a loss of income and potentially starting a lawsuit to enforce her rights. The employer faced liability for a clear violation of Maine law. But access to legal representation helped her and the employer understand their rights and obligations, and what could have been long and expensive litigation was resolved with a letter and a few phone calls. The employee kept a good job, and the employer kept a good employee.

Maine has seven civil legal aid organizations that coordinate their services to represent as many persons who can't afford a lawyer as possible. These providers are supported by ongoing donations from Maine's lawyers, by surcharges on certain court fees and civil violation fines, and by various grants and gifts. Since 2022, the Legislature has provided \$1.3M in annual, baseline, general fund support for this work. In the last biennium, additional one-time funding effectively added \$2M per year in new capacity, and more people with low incomes received the legal help they needed. Unless we restore that \$2M annually and make it part of the baseline funding, the number of unrepresented litigants will skyrocket and the number of legal service providers will plummet when those funds are exhausted at the end of June this year.

The National Justice Index calls for 10 civil legal aid lawyers for every 10,000 people with incomes less than 200% of the federal poverty line. Currently — including the \$2M one-time funding — Maine has only a little more than 3 legal aid lawyers per 10,000 people living with low incomes. Without that funding, Maine would have no more than 2 lawyers per 10,000.

LD 1022 proposes to add enough general fund support in the next biennium to keep the existing level of capacity and to gradually increase it, at a rate that would get us to the National Justice Index recommendation over the next decade or so.

- This bill would increase the current baseline amount of \$1.3 million to \$6.4 million in 2025-26, which would restore the \$2 million in one-time funding and add \$3.1 million.
- It would add another \$3.1 million in 2026-27, bringing the total in that year to \$9.5 million.

In their Access to Justice Day remarks earlier today, you heard Justices Mead and Gorman describe the serious impacts of unrepresented litigants on the capacity, efficiency and fairness of our court system. We also know from prior studies that providing adequate legal aid resources not only improves the lives of those who receive the services but also yields substantial economic benefits. Those who will follow my testimony this afternoon can elaborate further on the many benefits of adequately funding these services.

For the reasons I've summarized here and the many others you will hear this afternoon, I urge you to support LD 1022 and to rank it as a high priority for the Committee on Appropriations and Financial Affairs as they consider Part 2 of the biennial budget.

Finally, I would ask you to include an amendment to the bill as printed to correct the language of the initiative in the appropriations section of the bill. Typically, legislation on this subject recognizes that specific programs within some of the seven providers may have eligibility criteria that differ from the 200% threshold used in determining the need for legal aid. A more general statement of eligibility will avoid unintentionally limiting the use of these funds, and I have attached an amendment to my testimony.

Thank you for your time and attention, colleagues. I urge you to report out LD 1022 "Ought to Pass as Amended." I would be pleased to respond to any questions now or during our work session.



Anne Carney
State Senator, District 29

Senator Carney's Proposed Committee Amendment to LD 1022, An Act to Protect and Increase Access to Justice in Civil Legal Matters for Persons with Low Incomes

Amend the bill in Section 4 to revise the sentence describing the Initiative as follows:

Initiative: Increases funding for civil legal services for persons ~~with income below 200% of the federal poverty level~~ *who otherwise are not able to pay for these services* by providing additional funds for distribution by determination of the Civil Legal Services Fund Commission pursuant to the Maine Revised Statutes, Title 4, section 18-A, subsection 6.

SUMMARY

This amendment removes the reference in the appropriations section of the bill to a federal poverty standard, substituting the description of persons for whom legal services are funded by the Maine Civil Legal Services Fund as set forth in existing law, 4 M.R.S. § 18-A (1