

TESTIMONY OF LEGAL SERVICES FOR MAINE ELDERS IN SUPPORT OF AN ACT TO PROTECT AND INCREASE ACCESS TO JUSTICE IN CIVIL LEGAL MATTERS FOR PERSONS WITH LOW INCOMES

April 17, 2025

Senator Carney, Representative Kuhn, and esteemed members of the Judiciary Committee, my name is Jaye Martin, I live in Stockton Springs, and I am the Executive Director of Legal Services for Maine Elders (formerly known as Legal Services for the Elderly).

I am testifying today in support of LD 1022, an Act to Protect and Increase Access to Justice in Civil Legal Matters for Persons with Low Incomes.

Legal Services for Maine Elders (LSE) is a nonprofit corporation that was formed in 1974. LSE's mission is to provide free legal help to older people in Maine when their basic human needs are at stake. This includes shelter, food, health care, public benefits and safety. We also provide advocacy services to people having trouble accessing Medicare benefits.

As you know, the state of Maine started to invest general funds in civil legal aid in 2022. The impacts of this investment are already impressive.

With the increase in support from the Maine Civil Legal Services Fund, first in the form of the \$1,300,000 in baseline funding starting in 2022, and then through the additional one time distribution of \$2,000,000 per year in this biennium, LSE has been able to increase those getting help from LSE on an unprecedented scale.

LSE has doubled our intake capacity and increased both our Staff Attorney and Helpline Attorney capacity. In 2024, LSE was able to help 776 more people than we helped in 2023 and 1,003 more than in 2022. Older people with low incomes often face more than one legal problem in a year. This means LSE typically handles more legal matters per year than the

number of people that are served. LSE handled 1,018 more legal matters in 2024 than in 2023 and 1,359 more than in 2022.

It is important to note that the distribution of LSE's services across the state closely mirrors the distribution of low income older people across the state. LSE reaches people not just in every county but in nearly even township in Maine.

The number of cases that were emergency calls requiring a higher level of service and immediate attention continues to trend higher and higher. Emergency calls made up 49% of the total legal matters opened in 2024. With the increased support from the state, LSE was able to ensure that every caller with an emergency legal problem was served on the day they called or on the next business day. Cases that LSE defines as emergencies run across a range of case types but the common theme across all of them is that an older person is facing a legal problem that puts their housing, health, and/or safety at imminent risk of harm.

Yet there is still so much unmet need. Unfortunately, 505 eligible callers to the LSE Helpline had to be turned away at intake in 2024. These are callers who would have received services if LSE had not restricted intake to ensure we were able to provide timely service to all callers who were facing emergencies. And these are just the people who found their way to LSE only to be turned away. Legal needs studies show that more than half of low income older people face at least one legal problem each year. This means every year there are still hundreds if not thousands of older people out there who could benefit from help. If funding is reduced, these gains in access to justice will immediately be lost, and we will be counting the older people turned away in the thousands not hundreds.

Complicating the landscape is the fact that without ready access to free legal assistance, Maine elders who can't afford a lawyer are most likely to "do nothing" about their legal problem. Doing nothing when facing a legal problem like abuse, foreclosure, eviction, or overwhelming medical debt quickly leads to a downward spiral in what had previously been a productive and independent person's life. Ironically, it is a fear of loss of independence that keeps many older Mainers from seeking assistance.

The harm that results when older Mainers who face legal problems that implicate their basic needs don't get access to free legal help extends well beyond the loss of safety, independence and dignity experienced by individuals.

As the oldest state in the nation, failing to provide older people with legal help when it is needed adversely impacts all of our local communities and our entire state. It takes the form of increased health care and social services costs, and increased burdens placed on caregivers of older Mainers who might have retained their independence if legal help had been available. Increased funding for civil legal aid will help to ensure more older people in Maine get the free legal help they need when their basic human needs are at stake.

As older Mainers face very real threats to their social security benefits, heating assistance, health care and food assistance, it is no time to turn back the clock by letting funding levels drop. This is a time to increase, not decrease the funding for civil legal aid.

Additional Overview of Services

The free legal services provided by LSE include the following: 1) brief services provided by telephone to older people throughout Maine through the LSE Helpline (2.0 FTE intake, 3.7 FTE Helpline Attorney); 2) statewide litigation services (10.60 FTEs Staff Attorney, 1.0 FTE paralegal); and 3) outreach conducted via a website, direct mail, and presentations to referral sources.

The case types accepted by LSE and the level of service provided by LSE in each case type are governed by comprehensive written client service guidelines. The guidelines ensure LSE is thoughtfully putting its limited resources to work where they will have the greatest impact. The guidelines also ensure an equitable distribution of LSE's resources and services across the entire state.

Most of the older adults (84% or 4,033 of the matters opened in 2024) who seek help from LSE get help exclusively via telephone from an employed LSE Helpline Attorney. This approach is used because this is a very cost effective way to help large numbers of older people facing certain types of problems. This includes consumer debt, housing, and public benefit issues.

As just one example, in a recent Helpline case, we got a call from Frank, an 85 year old man, late on a Friday afternoon. He was just days away from running out of heating oil. He had gotten an emergency fill in the fall and was told he could not get another delivery unless he could provide the required ID. Frank has a disability and could not read or write. On the same day that this call came into the Helpline, because it was an emergency situation, an LSE Helpline Attorney reviewed the heating assistance rules, determined he could substitute a deed for an ID, pulled the deed from the registry, and emailed the deed and applicable rule to the local community action program. Heating oil was delivered to Frank's home on Monday. With less than two hours of assistance LSE kept the heat on for Frank.

A small subset of cases that come to LSE (16% or 762 of the matters opened in 2024) are referred by the Helpline to the nearest LSE Staff Attorney for investigation and potential full representation in court. These litigation matters include eviction defense, foreclosure defense, public benefit appeals and elder abuse.

In the litigation area, in contrast to our Helpline cases, cases can stay open for months and often involve going to court. Take the case of Betty. A kindhearted 72 year old who lived alone in her home. She let a local man with an injured dog move into a shed on her property believing he just needed a few days before moving into an apartment. After two weeks she approached him and asked when he was leaving. In response he ran a hose and power cord from her house to the shed and told her he was not leaving. The yard around the shed was filling up with trash and he gestured and yelled at her when she was outside her house. Betty was afraid but did not know what to do. She went on anxiety mediations and had cameras installed before finally seeking legal help. Her attorney determined the shed was on a separate property in a different town than her home. The attorney obtained a Protection from Abuse order to keep him off her property and then pursued an eviction in the town where the shed was located. Betty's safety and security were restored.

I urge you to support protect and support access to justice by adopting LD 1022.

Submitted by Jaye L. Martin, Executive Director, Legal Services for Maine Elders, <u>jmartin@mainelse.org</u>, 207-620-3103