§18-A. Maine Civil Legal Services Fund established

1. Creation of fund. The Maine Civil Legal Services Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support civil legal services to persons who otherwise are not able to pay for these services.

A. Money in the fund not needed to meet current obligations must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund. [PL 1991, c. 503 (NEW).]

B. Except as provided in paragraph C, money in the fund must be disbursed to legal services providers to support the provision of free civil legal services to low-income or needy people or the needy elderly in this State. Money disbursed from the fund may not be used by a recipient to support lobbying as defined in Title 3, section 312-A, subsection 9 unless the recipient is responding to a request by a Legislator or a member of the Executive Department. Only the following legal services providers may receive disbursement to provide free civil legal services:

(1) Nonprofit organizations whose missions include the provision of statewide free civil legal services and who have at least 5 years of experience providing free civil legal services;

(2) Legal aid clinics of accredited law schools operating exclusively in Maine; and

(3) Programs whose primary mission is to coordinate pro bono legal services on a statewide basis for low-income people in this State. [PL 2019, c. 509, §1 (AMD).]

C. In the first year the Judicial Department may draw from the fund any programming, printing and distribution costs that are necessary to implement surcharges on fines, penalties or forfeitures as provided in subsection 3-A. [PL 1997, c. 173, §2 (NEW).]

[PL 2019, c. 509, §1 (AMD).]

2. Administration. The Supreme Judicial Court, or a person or organization designated by the court, is the administrator and shall administer the fund. The administrator shall disburse funds according to determinations made by the commission established in subsection 6. The administrator shall report at least annually to the Legislature on the previous year's income and expenditures.

[PL 1997, c. 173, §3 (AMD).]

3. Contribution.

[PL 1997, c. 173, §4 (RP).]

3-A. Funding. Funding for the fund may be provided by the following methods.

A. For all fees collected by the Judicial Department after October 1, 2019, 9% must be deposited in the fund. This paragraph does not apply to fees dedicated under section 17-A or section 18-B, subsection 8 or to surcharges imposed pursuant to paragraph C. [PL 2019, c. 509, §2 (AMD).]

B. A surcharge of $10 must be imposed by a court on each civil fine, penalty or forfeiture imposed by the court and deposited in the fund. [PL 2005, c. 361, §3 (AMD).]

C. A surcharge of $127 must be imposed by a court on the fee for commencement of each debt collection action or money judgment disclosure action when the action is brought by a debt buyer, as defined by Title 32, section 11002, subsection 5-A, or a debt collector, as defined by Title 32, section 11002, subsection 6. The surcharge must be deposited in the fund and is not a recoverable cost under Title 14, section 1502-B. [PL 2021, c. 329, §1 (AMD).]

[PL 2021, c. 329, §1 (AMD).]

4. Other funds. The fund may receive money from any source, including grants, gifts, bequests and donations. Funds appropriated and money received for the benefit of the fund must be deposited to the fund.

[PL 1991, c. 503 (NEW).]

5. Allocation.
[PL 1997, c. 173, §6 (RP).]

6. Distribution of funds. The Supreme Judicial Court shall appoint the Civil Legal Services Fund Commission, consisting of 3 persons knowledgeable about the problems of ensuring access to justice in this State, to determine how to distribute the funds in accordance with subsection 1 in a manner that will most efficiently and effectively maintain and enhance access to justice in this State. The commission shall review the allocation at least every 4 years or on the request of any member of the commission and shall make adjustments to the allocation when appropriate. Funds must be distributed at least quarterly with the first distribution occurring no later than January 2, 1998. The commission shall compile information on the types of cases handled by recipient organizations and shall report this information and its allocation decisions to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 1, 1999.
[PL 1997, c. 173, §7 (NEW).]

SECTION HISTORY

PL 1991, c. 503 (NEW). PL 1997, c. 173, §§1-7 (AMD). PL 2005, c. 361, §§1-3 (AMD). PL 2019, c. 509, §§1-3 (AMD). PL 2021, c. 329, §1 (AMD).

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