

# HOUSE . . . . . No. 5653

By Mr. Lemanski of Chicopee, petition of Kenneth M. Lemanski for legislation to establish the community mediation services trust fund. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

### AN ACT ESTABLISHING THE COMMUNITY MEDIATION SERVICES TRUST FUND.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 218 of the General Laws is hereby  
2 amended by inserting after section 43E the following section: —

3 Section 43F. There shall be established and set up on the books  
4 of the commonwealth a separate fund to be known as the  
5 community mediation services trust fund. The fund shall consist  
6 of all revenues received by the commonwealth under the  
7 provisions of subsection (b) of section four C of chapter two  
8 hundred sixty-two and any other monies credited or transferred  
9 to the fund from any other fund or source pursuant to law.

10 All revenues credited under this section shall be impressed with  
11 a trust and shall remain in said community mediation services  
12 trust fund, without further appropriation for the purpose of  
13 providing community mediation services. Said fund shall be  
14 expended only in accordance with the provisions of subsection (b)  
15 of section four C of chapter two hundred and sixty-two. All  
16 interest earned on the amounts in said fund shall be deposited or  
17 retained in said fund. The state treasurer shall not deposit said  
18 revenues in or transfer said revenues to the General Fund or any  
19 other fund other than the community mediation services trust  
20 fund.

1 SECTION 2. Section 12 of chapter 221A of the General Laws,  
2 as appearing in the 1988 Official Edition, is hereby amended by  
3 inserting after the word "to", in line 3, the words: — subsection (a) of

1 SECTION 3. Chapter 262 of the General Laws, as so  
2 appearing, is hereby amended by striking out section 4C and  
3 inserting in place thereof the following section: —

4 Section 4C. (a) Any party entering a complaint, petition or  
5 other civil action in any court of the commonwealth, except small  
6 claims cases, in which an initial filing fee is payable, and to which  
7 a separate docket number is assigned shall pay to the clerk-  
8 magistrate of said court a surcharge of ten dollars in addition to  
9 the fee otherwise required by this chapter. A party entering a small  
10 claims action shall pay a surcharge of four dollars. All such  
11 charges collected pursuant to this subsection shall be transmitted  
12 monthly by the clerk-magistrate to the treasurer and shall be  
13 credited to the Legal Assistance Fund, established in section  
14 twelve of chapter two hundred and twenty-one A.

15 (b) A party entering a small claims action shall pay an  
16 additional surcharge of two dollars and fifty cents which shall be  
17 transmitted monthly by the clerk-magistrate of the court to the  
18 treasurer and shall be credited to the community mediation  
19 services trust fund established in section forty-three F of chapter  
20 two hundred and eighteen. Said fund shall be expended by the  
21 administrative justices of the departments of the trial court  
22 wherein they were collected for the provision of community  
23 mediation services; provided, however, that the administrative  
24 justice of the district court department shall expend such funds  
25 for the district court department with the advice of the district  
26 court community mediation advisory board, as provided in  
27 section forty-three E of chapter two hundred and eighteen.