

# SENATE . . . . . No. 804

By Mr. Travaglini, petition (accompanied by bill, Senate, No. 804) of Robert E. Travaglini, Robert A. Antonioni, Patricia D. Jehlen, Frederick E. Berry and Stanley C. Rosenberg 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-Three.

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 the 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  
15 (b) 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  
4 (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 additional  
16 surcharge of three 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 funds shall be expended by the  
21 chief administrative justice of the trial court wherein they were  
22 collected for the provision of community mediation services;  
23 provided, however, that the chief administrative justice shall  
24 expend such funds for the district court department with the  
25 advice of the district court community mediation advisory board,  
26 as provided in section forty-three E of chapter two hundred and  
27 eighteen.