

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1008

H.P. 655

House of Representatives, March 11, 2025

An Act to Require the Attorney General to Seek Legislative Approval Before Filing Any Civil Suit on Behalf of the State and to Authorize Citizen-initiated Petitions to Move for Dismissal

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUELL of East Machias.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §192**, as amended by PL 1973, c. 567, §20, is further amended to
3 read:

4 **§192. Prosecution of all claims for State**

5 All civil actions to recover money for the State shall must be brought by the Attorney
6 General in accordance with section 192-A or by the district attorney in the name of the
7 State. The Attorney General shall appear before the departments and tribunals of the United
8 States and the committees of Congress to prosecute all claims of the State against the
9 United States.

10 **Sec. 2. 5 MRSA §192-A** is enacted to read:

11 **§192-A. Legislative approval of Attorney General actions; citizen-initiated review**

12 **1. Legislative review.** In any civil suit brought on behalf of the State that the Attorney
13 General identifies as needing legislative approval, the Attorney General shall prepare and
14 present a proposal to the joint standing committee of the Legislature having jurisdiction
15 over judiciary matters requesting approval to file the case in state or federal court.

16 **2. Committee authority to report out legislation.** In response to a request under
17 subsection 1, the committee may report out legislation to the Legislature in the current
18 legislative session in which the committee sits authorizing the Attorney General to initiate
19 a civil suit in state or federal court.

20 **3. Legislative approval.** The Attorney General may not file a civil suit on behalf of
21 the State in state or federal court unless the Legislature approves of the Attorney General's
22 request by a vote of a majority of its members and submits the approval legislation for
23 signature and approval of the Governor.

24 **4. Citizen-initiated review.** A registered voter of the State may, at any time, submit a
25 written application to the Department of the Secretary of State on a form designed by the
26 Secretary of State to initiate a petition to be circulated directing the Attorney General to
27 move for a dismissal of a civil suit filed on behalf of the State. On receipt, the Secretary of
28 State or the Secretary of State's designee shall review the application and determine the
29 form of the petition to be submitted to the voters. Upon the filing of the application, the
30 Attorney General shall file a motion to stay the proceedings until the completion of the
31 petition process outlined in this subsection. Circulation of petitions under this subsection
32 must comply with Title 21-A, chapter 11. If a petition contains 500 valid signatures within
33 one year of its issuance, the Attorney General shall move for a dismissal of the civil suit.

34 **5. Interim requests.** If the Attorney General requests legislative approval under
35 subsection 1 when the Legislature is not in session, the joint standing committee of the
36 Legislature having jurisdiction over judiciary matters, the House of Representatives and
37 the Senate are authorized to meet for the purpose of completing the review process in
38 subsections 2 and 3.

39 **SUMMARY**

40 This bill creates a process for the Attorney General to request legislative approval
41 before filing a case on behalf of the State in state or federal court. The bill authorizes the
42 joint standing committee of the Legislature having jurisdiction over judiciary matters to

1 report out legislation authorizing the Attorney General's request for approval in the House
2 of Representatives and the Senate. The bill also authorizes any registered voter in the State
3 to request a citizen-initiated review of any case filed by the Attorney General and requires
4 that proceedings in that case be halted until the petition process has been completed.
5 Finally, the bill authorizes the Legislature to meet during the interim for the purposes of
6 completing legislative review on a request by the Attorney General.