

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 457

S. P. 179

In Senate, January 28, 1981

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Dutremble of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Require Certain Unsuccessful Claimants in Civil Actions to Pay the Other Party's Attorney's Fee.

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

14 MRSA § 1522 is enacted to read:

§ 1522. Attorney's fees; groundless claims

1. Motion; finding. Upon motion of any individual who is a defendant in a civil action in which a finding, verdict, decision, award, order or judgment has been made by a judge or justice or by a jury, master or other finder of fact, that the individual was not liable for any part of the claim, the court shall award to that individual an amount representing the reasonable attorney's fees and other costs and expenses incurred in defending against the claim. If the party against whom the claim was asserted was not represented by counsel, the court shall award to that party an amount representing his reasonable costs, expenses and effort in defending against the claim.

2. Method of computation. In any award under this section the court shall specify in reasonable detail the method by which the amount of the award was computed and the calculation of the award.

3. Novel arguments. No court may make an award under this section solely because a novel or unusual argument or principle of law was advanced.

STATEMENT OF FACT

This bill requires courts to award attorney's fees to individuals who have successfully defended against civil claims.