

# MAINE STATE LEGISLATURE

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L.D. 990

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(Filing No. H- 243 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
111TH LEGISLATURE  
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 759,  
L.D. 990, Bill, "AN ACT to Discourage Frivolous  
Court Cases."

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Amend the Bill by inserting at the beginning of  
the first line after the enacting clause the follow-  
ing: 'Sec. 1.'

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Further amend the Bill in that part designated  
"§1522." by striking out all of subsection 1 and  
inserting in its place the following:

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'1. Motion; finding. Upon motion of any indi-  
vidual who is a defendant in a civil action in which  
a finding, verdict, decision, award, order or judg-  
ment has been made by a judge, justice, jury, master  
or other finder of fact, that the individual was not  
liable for any part of the claim, the court may, if  
it determines that the plaintiff's claim was frivo-  
lous or instituted primarily for the purpose of  
delay, award to that individual:

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A. An amount representing the reasonable attor-  
ney's fees and other costs and expenses incurred  
in defending against the claim; or

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B. If the defendant was not represented by coun-  
sel, an amount representing his reasonable costs  
and expenses incurred in defending against the  
claim.'

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Further amend the Bill by adding at the end  
before the statement of fact the following:

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'Sec. 2. 14 MRSA §1802 is amended to read:

COMMITTEE AMENDMENT "A" to H.P. 759, L.D. 990

1     §1802. Appeal found to be frivolous

2             If an appeal to the Superior Court or to the Law  
3 Court is found by that court to have been frivolous  
4 and intended for or instituted primarily for the pur-  
5 pose of delay, treble costs may be allowed to the  
6 prevailing party.'

7                                     STATEMENT OF FACT

8             This amendment inserts the requirement that the  
9 plaintiff's claim be found frivolous or instituted  
10 primarily for the purpose of delay by the court  
11 before fees and costs may be awarded and allows judi-  
12 cial discretion in making the award. Section 2 amends  
13 current law to parallel the language in the Maine  
14 Rules of Civil Procedure 76(f) and extends its appli-  
15 cation to cases appealed to the Superior Court.

Reported by the Committee on Judiciary  
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the House  
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