

MAINE STATE LEGISLATURE

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1
2
3 FIRST REGULAR SESSION

4
5 ONE HUNDRED AND ELEVENTH LEGISLATURE

6
7 Legislative Document

No. 990

8
9 H.P. 759

House of Representatives, March 3, 1983

10
11 On Motion of Representative Hobbins of Saco referred to the Committee
12 on Judiciary. Sent up for concurrence and ordered printed.

13
14 EDWIN H. PERT, Clerk

15
16 Presented by Representative Higgins of Scarborough.
17 Cosponsor: Senator Dutremble of York.

18
19 STATE OF MAINE

20
21 IN THE YEAR OF OUR LORD
22 NINETEEN HUNDRED AND EIGHTY-THREE

23
24 AN ACT to Discourage Frivolous
25 Court Cases.

26
27 Be it enacted by the People of the State of Maine as
28 follows:

29
30 14 MRSA §1522 is enacted to read:

31
32 §1522. Attorney's fees; groundless claims

33
34 1. Motion; finding. Upon motion of any indi-
35 vidual who is a defendant in a civil action in which
36 a finding, verdict, decision, award, order or judg-
37 ment has been made by a judge, justice, jury, master
38 or other finder of fact, that the individual was not
39 liable for any part of the claim, the court shall
40 award to that individual an amount representing the
41 reasonable attorney's fees and other costs and
42 expenses incurred in defending against the claim. If
43 the party against whom the claim was asserted was not

1 represented by counsel, the court shall award to that
2 party an amount representing his reasonable costs,
3 expenses and effort in defending against the claim.

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

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

11 STATEMENT OF FACT

12 This bill requires courts to award attorney's
13 fees to individuals who have successfully defended
14 against civil claims. This will help to discourage
15 frivolous court cases.

16 1241021983