

MAINE STATE LEGISLATURE

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L.D. 1646

2

(Filing No. H-344)

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

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HOUSE AMENDMENT "A" to S.P. 570, L.D. 1646,
Bill, "AN ACT to Provide Equal Access to Justice."

8

9 Amend the bill in section 1 in that part desig-
10 nated "§1502-B." in subsection 1 in the 9th and 10th
11 lines (page 1, line 33 and page 2, line 1 in L.D.) by
12 striking out the underlined words "or that special
13 circumstances make an award just"

14 Further amend the bill in section 1 in that part
15 designated "§1502-B." in subsection 2 in paragraph B
16 in the 2nd line (page 2, line 12 in L.D.) by striking
17 out the underlined words "granting or renewing" and
18 inserting in their place the underlined words and
19 punctuation 'granting, renewing, denying or revoking'
20 and by inserting at the end of the last line after
21 the punctuation (page 2, line 13 in L.D.) the follow-
22 ing underlined word 'or'

23 Further amend the bill in section 1 in that part
24 designated "§1502-B." in subsection 2 by striking out
25 all of paragraph C.

26 Further amend the bill in section 1 in that part
27 designated "§1502-B." in subsection 2 by renumbering
28 paragraph D to be paragraph C.

29 Further amend the bill in section 1 in that part
30 designated "§1502-B." by inserting at the end the
31 following new subsections to read:

32 '5. Annual report. The Attorney General shall
33 report to the Legislature annually on January 1st on
34 the number and amount of awards made against the
35 State under this section.

36

6. Class actions. This section shall not apply

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1 to class actions and shall apply only to the named
2 plaintiff or defendant who is otherwise qualified
3 under this section.

4 7. Repeal. This section is repealed on July 1,
5 1988.

6 Further amend the bill in section 2 in the 2nd
7 line (page 3, line 2 in L.D.) by striking out the
8 word "January" and inserting in its place the word
9 'July'

10 STATEMENT OF FACT

11 This amendment makes the following changes.

12 (1) The criteria concerning "special circum-
13 stances" is deleted from the bill. The court is
14 allowed to award attorney's fees and other expenses
15 against the State if the state's position "was not
16 substantially justified in fact and in law."

17 (2) The exemption list is broadened to include
18 the denial or revocation of a license as well as the
19 granting or renewal of a license.

20 (3) The exemption concerning eligibility or
21 entitlement to a monetary benefit or its equivalent
22 is removed. This exemption does not exist in the
23 equivalent federal law.

24 (4) A new subsection 5 is added to require an
25 annual report by the Attorney General on the number
26 and amount of awards made against the State.

27 (5) A new provision is added in subsection 6 to
28 prevent the applicability of this program to class
29 actions.

30 (6) A sunset provision is added as of July 1,
31 1988.

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1 (7) The effective date is changed from January
2 to July 1, 1984.

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Filed by Rep. Soule of Westport
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