

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 896, L.D. 1253, Bill, "An Act to Prevent, Punish and Remedy Violations of Constitutional Rights"

Amend the bill in that part designated "~~§4682.~~" by striking out all of subsection 2 (page 1, lines 37 to 40 in L.D.).

Further amend the bill by inserting at the end before the statement of fact the following:

'§4683. Attorney's fees and costs

In any civil action under this chapter, the court, in its discretion, may allow the prevailing party, other than the State, reasonable attorney's fees and costs, and the State shall be liable for attorney's fees and costs in the same manner as a private person.

FISCAL NOTE

The number of cases in which the State may become liable for attorney's fees and costs cannot be predicted. There is a potential for substantial costs for complex cases. It is not possible to precisely quantify the potential costs.'

STATEMENT OF FACT

This amendment revises the attorney's fees provisions of the bill. The bill would have required the court to award attorney's fees and costs to a successful aggrieved party. This amendment follows the Maine Human Rights Act, and allows the court to award the prevailing party fees and costs, even in actions initiated by the State. The State, represented by the Attorney General, cannot recover fees and costs, but is liable for fees and costs the same as any other person. The amendment also adds a fiscal note.