

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 1881

S.P. 706

In Senate, May 20, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CLARK of Cumberland

Cosponsored by Senator GAUVREAU of Androscoggin and Representative STEVENS of Bangor.

---

STATE OF MAINE

---

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

---

**An Act Concerning Limitations on Actions for Penalties.**

---

(AFTER DEADLINE)



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

2  
3       **Sec. 1. 14 MRSA §858** is repealed.

4  
5       **Sec. 2. Application.** Notwithstanding the Maine Revised  
6 Statutes, Title 1, section 302, the provisions of Title 14,  
7 section 858 do not apply to actions pending on or filed after the  
8 effective date of this Act.

10  
11                                   **STATEMENT OF FACT**

12       This bill repeals the Maine Revised Statutes, Title 14,  
13 section 858, a law whose origins date back to Massachusetts law  
14 prior to 1820. Title 14, section 858 covers a now uncommon  
15 situation, where a citizen could act as a private prosecutor and  
16 obtain all or a portion of a forfeiture or penalty. If a person  
17 authorized to bring such a suit failed to act, the State could  
18 then intercede if it wished and bring suit within 2 years.

19  
20       Violators of various regulatory provisions are now  
21 attempting to utilize the law to bar the State from prosecuting  
22 violations that occurred more than 2 years prior to the lawsuit  
23 filing, although private prosecution is not allowed. This bill  
24 will prevent this argument in the future.

25  
26       The bill also specifies that the provisions of section 858  
27 do not apply to any pending or future actions.  
28