

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 156

S.P. 68

In Senate, January 20, 1995

**An Act to Require the Department of Environmental Protection to Pay
Attorney's Fees in Court Cases where the Department Does Not Prevail.**

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "May M. Ross", is positioned above the printed name of the Secretary of the Senate.

MAY M. ROSS
Secretary of the Senate

Presented by Senator HATHAWAY of York.

Cosponsored by Senators: BENOIT of Franklin, HANLEY of Oxford, PENDEXTER of
Cumberland, Representatives: BARTH of Bethel, BIRNEY of Paris, ROBICHAUD of
Caribou, WATERHOUSE of Bridgton, WINSOR of Norway.

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

Sec. 1. 38 MRSA §349, sub-§6-A is enacted to read:

6-A. Legal fees. If the Attorney General brings a civil or criminal action under this section in any court against any person and does not prevail, the court shall order the department to reimburse that person for any reasonable attorney's fees and expenses in defending against that action.

STATEMENT OF FACT

This bill directs the court to require the Department of Environmental Protection to reimburse a party for reasonable attorney's fees if the Attorney General brings that party to court and does not prevail.