

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 791

S.P. 293

In Senate, March 14, 1995

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### An Act Requiring Unsuccessful Parties in Civil Suits to Pay Costs.

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator HATHAWAY of York.  
Cosponsored by Senators: BENOIT of Franklin, HARRIMAN of Cumberland, KIEFFER of  
Aroostook, Representative: AULT of Wayne.

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

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3       **Sec. 1. 14 MRSA §1502-B, sub-§§4 and 5**, as enacted by PL 1985,  
4 c. 384, §4, are amended to read:

6       **4. Travel expenses.** Reasonable expenses of travel within  
7 the State to the place of trial for the prevailing party or ~~his~~  
8 the prevailing party's attorney of record, as provided by rule of  
9 the Supreme Judicial Court, or as directed by court, in the  
10 absence of that rule; and

12       **5. Other costs.** Such other costs as the Supreme Judicial  
13 Court may direct by rule; ~~and~~

14       **Sec. 2. 14 MRSA §1502-B, sub-§6** is enacted to read:

16       **6. Attorney's fees.** The reasonable attorney's fees  
17 incurred by the prevailing party in prosecuting or defending the  
18 action.

20       A. This subsection does not apply to the following:

22               (1) Class action cases;

24               (2) Cases seeking redress for violations of  
25 constitutional rights or cases brought under any civil  
26 rights or human rights law;

28               (3) Tort cases;

30               (4) Cases in which the State or any of its officers or  
31 agencies are parties;

34               (5) Cases where attorney's fees are governed by a  
35 separate provision of the laws; and

36               (6) Cases in which the party against whom attorney's  
37 fees would be assessed is proceeding in forma pauperis,  
38 pursuant to the Maine Rules of Civil Procedure, Rule  
39 91, or is otherwise indigent.

42       B. A party seeking attorney's fees pursuant to this  
43 subsection shall file affidavits setting forth the  
44 applicable fee arrangement and itemizing the legal services  
45 performed by activity, date and number of hours. Upon  
46 motion by the party against whom attorney's fees are to be  
47 assessed, the court shall determine the amount of attorney's  
48 fees that are reasonable.

