

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 254,
L.D. 679, Bill, "An Act To Allow a Court To Award Attorney's Fees in Successful
Freedom of Access Appeals"

Amend the amendment by striking out all of subsection 4 (page 1, lines 14 to 21 in
amendment) and inserting the following:

'4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award
reasonable attorney's fees and litigation expenses either to:

A. The substantially prevailing plaintiff who appealed the refusal under subsection 1
or the illegal action under subsection 2 if the court determines that the refusal or
illegal action was committed in bad faith; or

B. The substantially prevailing defendant if the court determines that the appeal was
brought in bad faith.

Attorney's fees and litigation costs may not be awarded to or against a federally
recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1,
2010.'

SUMMARY

This amendment allows a court to award attorney's fees and court costs to the body,
agency or official that denied the inspection or release of the public document or took an
action in an executive session if that denial or action is appealed, the body, agency or
official prevails and the court determines that the appeal was brought in bad faith.

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