

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

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 bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 1 MRSA §409, sub-§4 is enacted to read:

4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to 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. 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 replaces the bill. It gives the court discretion to award reasonable attorney's fees and litigation costs to a person who appeals the refusal to inspect or copy a public record or appeals action taken illegally in an executive session if the court determines that the person substantially prevailed in the appeal and that the refusal or the illegal action was committed in bad faith.

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

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 254, L.D. 679

1 Attorney's fees and litigation costs may be awarded in actions filed on or after
2 January 1, 2010.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 679

LR 1117(02)

An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Fiscal Detail and Notes

This bill may increase costs within any state agency and the Department of the Attorney General if the State is involved in an appeal in a case involving the laws governing freedom of access and the court awards the other party reasonable attorney fees and expenses. These costs are not predictable and would result in the need for an additional General Fund appropriation to the agency responsible for paying the attorney fees and expenses.