

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)

SMC
R. of S.

1

L.D. 698

2

Date: 6/18/19

MAJORITY

(Filing No. S-32)

3

JUDICIARY

4

Reproduced and distributed under the direction of the Secretary of the Senate.

5

STATE OF MAINE

6

SENATE

7

129TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to S.P. 211, L.D. 698, Bill, "An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch"

10

11

12

Amend the bill in section 1 in §1501-A in the last line (page 1, line 9 in L.D.) by striking out the following: "shall" and inserting the following: 'may'

13

14

Amend the bill by inserting after section 1 the following:

15

'Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

16

17

ATTORNEY GENERAL, DEPARTMENT OF THE

18

Administration - Attorney General 0310

19

Initiative: Establishes a half-time Assistant Attorney General position and provides funding for related All Other costs beginning October 1, 2019.

20

21

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$46,708	\$62,278
All Other	\$5,534	\$7,379
GENERAL FUND TOTAL	\$52,242	\$69,657

22

23

24

25

26

27

28

SUMMARY

29

The bill requires the court to award reasonable attorney's fees to a citizen or citizens that prevail in litigation against the Governor or any agency of the executive branch if the citizen or citizens demonstrate that the defendant knowingly violated the law. This amendment gives the court in that situation the discretion to award reasonable attorney's

30

31

32

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 211, L.D. 698 (S-312)

1 fees to be paid to the prevailing citizen or citizens. The amendment also adds an
2 appropriations and allocations section.

3

FISCAL NOTE REQUIRED

4

(See attached)



129th MAINE LEGISLATURE

LD 698

LR 1846(02)

An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-312)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Future biennium cost increase - All Funds

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$52,242	\$69,657	\$69,657	\$69,657
Appropriations/Allocations				
General Fund	\$52,242	\$69,657	\$69,657	\$69,657

Fiscal Detail and Notes

This bill allows, in certain circumstances, the payment of attorney's fees by the State to citizens who prevail in litigation against the State. The Office of the Attorney General has indicated that it will require a half-time position due to an expected increase in litigation and the bill includes General Fund appropriations of \$52,242 in FY 2019-20 and \$69,657 in FY 2020-21 for a half-time Assistant Attorney General position.

The Risk Management Division within the Department of Financial and Administrative Services provides insurance, loss control and claims services to state departments and agencies. According to the division, attorney's fees for vehicle and tort claims, which represent cases that could fall under the provisions of this bill, total at least \$10,000 per claim. The division currently has an average of 50 vehicle and tort claims per year, representing a total of up to \$500,000 which could be ordered to be paid by the State. However, it is currently unknown how many cases citizens would be able to demonstrate that the State knowingly violated the law and be awarded attorney's fees. Any costs for additional attorney's fees would be paid by the Risk Management Fund and all executive branch departments and agencies could face increased insurance premiums in future fiscal years.