# 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

# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

| Legislative Document | No. 698 |
|---|---|
| S.P. 211 | In Senate, February 11, 2019 |

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

Reference to the Committee on Judiciary suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARSON of Cumberland.
Cosponsored by Senators: BELLOWS of Kennebec, CARPENTER of Aroostook, SANBORN, H. of Cumberland, Representatives: BAILEY of Saco, BEEBE-CENTER of Rockland, HYMANSON of York, MAXMIN of Nobleboro, TALBOT ROSS of Portland.

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

2       **Sec. 1. 14 MRSA §1501-A** is enacted to read:

3     **§1501-A. Suit against State prevails**

4         When one or more citizens sue the Governor or any agency of the executive branch
5     of this State for the purpose of enforcing state or federal law and the citizen or citizens
6     prevail or substantially prevail on the merits of the case, the citizen or citizens may
7     petition the court for payment by the State for all recoverable costs identified in sections
8     1502-B and 1502-C. If the citizen or citizens demonstrate that the defendant knowingly
9     violated the law, the court shall also award reasonable attorney's fees.

10                                            **SUMMARY**

11        This bill clarifies that when one or more citizens sue the Governor or any executive
12    branch agency to enforce federal or state law and the citizen or citizens prevail or
13    substantially prevail, the citizen or citizens may petition the court for the State to pay all
14    costs. If the citizen or citizens demonstrate that the agency or Governor knowingly
15    violated the law, the court is required to also award reasonable attorney's fees.