



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 698

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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**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

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.