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## **An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws**

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

**Sec. 1. 12 MRSA §8870, sub-§6** is enacted to read:

**6. Costs permitted.** In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund of the State if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is "substantially justified" if the defense had a reasonable basis in law or fact at the time it was raised.

**Sec. 2. 12 MRSA §9701**, as enacted by PL 1979, c. 545, §3, is amended to read by adding at the end a new paragraph to read:

In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund of the State if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is "substantially justified" if the defense had a reasonable basis in law or fact at the time it was raised.

Effective 90 days following adjournment of the 124th  
Legislature, Second Regular Session, unless otherwise indicated.