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

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

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

§ 1501-A. Suit against State prevails

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

SUMMARY

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