



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 " "

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.