

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 1 MRSA §409, sub-§4** is enacted to read:

4. Attorney’s fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney’s fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney’s fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.’

SUMMARY

This amendment replaces the bill. It gives the court discretion to award reasonable attorney’s fees and litigation costs to a person who appeals the refusal to inspect or copy a public record or appeals action taken illegally in an executive session if the court determines that the person substantially prevailed in the appeal and that the refusal or the illegal action was committed in bad faith.

Attorney’s fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

Attorney’s fees and litigation costs may be awarded in actions filed on or after January 1, 2010.

FISCAL NOTE REQUIRED

(See attached)