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An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals

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

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.

Effective September 12, 2009