

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1703

S. P. 565

In Senate, April 30, 1971

Reported by Senator Violette of Aroostook from Committee on Natural Resources and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Defining the Standards of Judicial Review in Appeals from Orders and Decisions of the Environmental Improvement Commission.

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

R. S., T. 38, § 415, repealed and replaced. Section 415 of Title 38 of the Revised Statutes, as repealed and replaced by section 10 of chapter 475 of the public laws of 1967 and as amended by section 3-B of chapter 431 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 415. Appeals

Except where otherwise specified by statute, any person aggrieved by any order or decision of the commission in regard to any matter upon which there was a hearing before the commission and of which a transcript of said hearing is available, may, within 30 days after notice of the filing of such order or decision, appeal therefrom to the Superior Court by filing a notice of appeal stating the points of appeal. Notice of the appeal shall be ordered by the court without a jury in the manner and with the rights provided by law in other civil actions so heard. The proceedings shall not be de novo. The court shall receive into evidence true copies of the transcript of the hearing, the exhibits thereto, the decision of the commission and other documents on file with the commission and considered by the commission in reaching its decision. The court's review shall be limited to questions of law and to whether the commission acted regularly and within the scope of its authority and the commission's decision shall be final so long as supported by substantial evidence. The court may affirm, reverse or remand the commission's decision for further proceedings. Appeals from all other orders or decisions of the commission, unless otherwise specified by statute, shall be taken pursuant to Rule 80B of the Maine Rules of Civil Procedure.