

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 929

H. P. 756

House of Representatives, March 10, 1977

On motion of Mr. Spencer of Standish, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Delete the Requirement that Appeals to Superior Court from a
Municipal Board of Appeals must be Trial De Novo (Trial Anew).**

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

30 MRSA § 2411, sub-§ 3, ¶ F, as amended by PL 1971, c. 622, § 104, is further amended to read:

F. An appeal may be taken, within 30 days after the decision is rendered, by any party to Superior Court from any order, relief or denial in accordance with Rule 80B. The hearing before the Superior Court shall be a ~~trial de novo~~ without a jury.

STATEMENT OF FACT

Under prior law, there is confusion as to whether or not the language referring to a trial de novo requires the Superior Court to ignore all of the proceedings before the administrative board whose decision is being appealed. This bill would permit the court, where there is an adequate record of the administrative proceedings, to base its review on the record of the proceedings.