

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1198

H.P. 832

House of Representatives, March 20, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

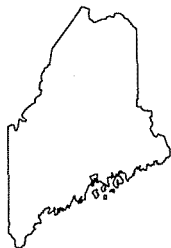
EDWIN H. PERT, Clerk

Presented by Representative LOOK of Jonesboro.
Cosponsored by Representative JOSEPH of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Clarify the Procedures of Local Boards of Appeal.



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

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30-A MRSA §2691, sub-§3, ¶¶E to G, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

E. The transcript or tape recording of testimony, if any such a transcript or tape recording has been prepared by the board, and the exhibits, together with all papers and requests filed in the proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief. Notice of any decision shall must be mailed or hand delivered to the petitioner, the petitioner's representative or agent, the planning board, agency or office and the municipal officers within 7 days of the board's decision.

F. The board may reconsider any decision reached under this section within 30 days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 30 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

G. Any party may take an appeal, within 30 45 days after of the date of the vote on the original decision is--rendered, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court shall must be without a jury.

STATEMENT OF FACT

This bill clarifies that boards of appeal need not create a written transcript of every proceeding. They may create a transcript or tape record the hearing, but are not required to do either. In any event, they are required to keep a written record and reduce their decisions to writing. The bill also clarifies the deadline for motions to reconsider and take action and extends the appeal period to 45 days to allow extra time in case there is a reconsideration.