

# MAINE STATE LEGISLATURE

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37MG  
ROES

Date: 6/6/13

Majority  
JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 791, L.D. 1119, Bill, "An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken"

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Amend the bill by striking out the title and substituting the following:

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'An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Related to Wind Energy Developments Must Be Taken'

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

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'Sec. 1. 38 MRSA §346, sub-§4, as repealed and replaced by PL 2011, c. 420, Pt. A, §34, is amended to read:

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4. Appeal of decision. A judicial appeal of final action by the board or commissioner regarding an application for an expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4, or a general permit pursuant to section 480-HH or section 636-A must be taken to the Supreme Judicial Court sitting as the Law Court. The Law Court has exclusive jurisdiction over request for judicial review of final action by the commissioner or the board regarding expedited wind energy developments or a general permit pursuant to section 480-HH or section 636-A. These appeals to the Law Court must be taken in the manner provided in Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.'

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SUMMARY

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This amendment replaces the bill. It removes the exclusive jurisdiction of the Law Court over an appeal by a person aggrieved by an order or decision of the Board of Environmental Protection or Commissioner of Environmental Protection on an application for an expedited wind energy development, allowing an appeal to be made to the Superior Court. The amendment is the majority report of the committee.

COMMITTEE AMENDMENT