

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1087

S.P. 358

In Senate, March 21, 2017

**An Act To Define When a Municipal Land Use Decision Is
Considered Final for Purposes of an Appeal to Superior Court**

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

A handwritten signature in black ink, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BREEN of Cumberland.

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

2 **Sec. 1. 30-A MRSA §4303** is enacted to read:

3 **§4303. Finality of municipal decision**

4 For purposes of appeal of a municipal land use decision under this chapter to the
5 Superior Court, final agency action occurs for a matter requiring review of both a
6 municipal planning board and board of appeals only after both the municipal planning
7 board and the board of appeals have heard the land use matter and issued findings of fact.

8 **SUMMARY**

9 This bill requires, for purposes of appeal to the Superior Court, that to be considered
10 final agency action, a land use matter requiring review of both a municipal planning
11 board and board of appeals must be heard by both the municipal planning board and
12 board of appeals and both boards must issue findings of fact.