

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1243

H. P. 875

House of Representatives, March 13, 1957.

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Needham of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

**AN ACT Relating to Appeals from Decisions of Municipal Planning and
Zoning Boards.**

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

R. S., c. 91, § 98, repealed and replaced. Section 98 of chapter 91 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

'Sec. 98. Appeals from decisions of municipal planning and zoning boards. Any person aggrieved or taxpayer affected by any decision of a board of appeals or any governing body of a political subdivision which is of the opinion that a decision of a board of appeals is illegal may appeal therefrom within 30 days after the decision is filed in the office of the board to the Superior Court, or to any Justice thereof in vacation, to be heard in the county where the land is situated. The appellant shall file notice of his appeal with the board by registered mail within the time above limited, and shall file a complaint with said Court at the first term of the Court held following the expiration of the said 30 days, or with said Justice in vacation prior to said first term following the expiration of said 30 days, setting forth substantially the grounds upon which the case shall be tried.

The Court shall have exclusive jurisdiction to affirm, modify or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the board of appeals. The findings of fact of the board, if supported by substantial evidence, shall be accepted by the Court as conclusive and no objection to a decision of the board shall be considered by the Court unless such objection shall have been urged before the board or, if it was not so urged, unless there were reasonable grounds for failure to do so.'