

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2017**

ter the decision on reconsideration or within the applicable time period under section 4482-A if the final municipal review of the project is by a municipal administrative review board other than a board of appeals.

**Sec. 3. 30-A MRSA §2691, sub-§3, ¶H** is enacted to read:

H. For purposes of this section, a decision of the board is a final decision when the project for which the approval of the board is requested has received all required municipal administrative approvals by the board, the planning board or municipal reviewing authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance. If the final municipal administrative review of the project is by a municipal administrative review board other than a board of appeals, the time for appeal is governed by section 4482-A. Any denial of the request for approval by the board of appeals is considered a final decision even if other municipal administrative approvals are required for the project and remain pending. A denial of the request for approval by the board of appeals must be appealed within 45 days of the date of the board's vote to deny or within 15 days of final action by the board on a reconsideration that results in a denial of the request.

**Sec. 4. 30-A MRSA §4482, sub-§3** is enacted to read:

**3. Final decision.** A party may not file an appeal of a significant municipal land use decision under this section until the decision is a final decision pursuant to section 2691, if the decision is by a board of appeals, or pursuant to section 4482-B, if the decision is by a municipal administrative review board other than a board of appeals.

**Sec. 5. 30-A MRSA §4482-A** is enacted to read:

**§4482-A. Review of other municipal land use decisions**

This section governs the review process for a municipal land use decision that is not a significant municipal land use decision under section 4482, except as provided in section 4482, subsection 3, or a decision of a board of appeals under section 2691.

**1. Filing of appeal.** A party may file an appeal with the Superior Court of a municipal land use decision subject to this section that is a final decision within 30 days of the date of the vote on the final decision, except that the time period for filing an appeal under this subsection may be extended by the court upon motion for good cause shown. The hearing on

an appeal filed pursuant to this section before the Superior Court must be conducted without a jury.

**2. Final decision.** A party may not file an appeal of a municipal land use decision subject to this section until the decision is a final decision pursuant to section 4482-B.

**Sec. 6. 30-A MRSA §4482-B** is enacted to read:

**§4482-B. Finality of municipal land use decision**

For the purposes of this chapter and except as provided in section 2691, a municipal land use decision is a final decision when an application for a project requiring the approval of one or more municipal boards has received all required municipal administrative approvals by the board of appeals, the planning board or municipal reviewing authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance. An appeal may not be filed under this section prior to the review and final approval of a project by each applicable municipal administrative review board, except that a denial of an application by a municipal administrative review board is considered a final decision even if other municipal administrative approvals are required for the project and remain pending. An appeal of the denial under this chapter must be in accordance with the requirements of the Maine Rules of Civil Procedure, Rule 80B.

**Sec. 7. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 30-A, chapter 190, in the chapter headnote, the words "judicial review of significant municipal land use decision" are amended to read "judicial review of municipal land use decisions" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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**CHAPTER 242**

**H.P. 1006 - L.D. 1456**

**An Act To Return the Duties of  
the State Compensation  
Commission To Make  
Recommendations for the  
Salaries of the Governor and  
Judges**

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

**Sec. 1. 3 MRSA §2-B, sub-§1**, as enacted by PL 1997, c. 506, §1, is amended to read:

**1. State Compensation Commission; membership.** The State Compensation Commission, established in Title 5, section 12004-G, subsection 26-D and referred to in this section as the "commission," consists of 5 members appointed in January of every odd-numbered year at the first regular session of each Legislature as follows:

- A. Two members, ~~not from the same political party,~~ appointed by the President of the Senate;
- B. Two members, ~~not from the same political party,~~ appointed by the Speaker of the House; and
- C. One member appointed by a majority of the members appointed under paragraphs A and B, who serves as chair of the commission.

The 5 members must be residents of the State and appointed from the public. A person may not be appointed who is currently or has previously been a Legislator or a legislative employee at the time of appointment.

All members must be appointed for a term to coincide with the legislative biennium. A vacancy must be filled in the same manner as the original appointment for the balance of the unexpired term.

The members of the commission are entitled to a per diem, expenses and allowances at the same rate as Legislators.

**Sec. 2. 3 MRSA §2-B, sub-§2,** as amended by PL 1999, c. 2, §1, is further amended to read:

**2. Duties of commission.** ~~The commission must issue its first report no later than April 15, 1999. No later than May 1st of every odd-numbered year and January 1st 15th of every even-numbered year thereafter, the commission shall submit to the Legislature a an interim report of the commission. The, and no later than November 15th of every even-numbered year the commission shall submit to the Legislature a final report of the commission. In the 3rd year of each gubernatorial term of office, the interim report must contain a recommendation for compensation of the Governor as established in Title 2, section 1. A report under this subsection must contain:~~

- A. A description of the commission's activities;
- B. The recommendations of the commission ~~for all regular and special sessions of the next Legislature concerning:~~

~~(1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage and all other expenses and allowances; additional service as President of the Senate, as Speaker of the House or as a member of leadership; and for constituent services; and~~

(1-A) For the report required in the 3rd year of a gubernatorial term, for compensation for the Governor, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances;

(1-B) For compensation for justices and judges, including all payments for salaries, meals, housing, travel, mileage and all other expenses and allowances, and for additional services by any justice or judge. Nothing in this subparagraph prevents the judicial branch from making recommendations to the Governor or Legislature for compensation for justices and judges, including, but not limited to, recommendations made by the Chief Justice of the Supreme Judicial Court in preparing the budget of the judicial branch as required by Title 4, section 1; and

(1-C) For compensation of Legislators, representatives of Indian tribes, Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances, and for additional services by the President of the Senate, Speaker of the House of Representatives and members of legislative leadership;

~~(2) Compensation for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor;~~

- C. The reasons for its recommendations;
- D. Drafts of any legislation required to implement its recommendations; and
- E. Any other material and recommendations that commission members may wish to submit.

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

**Sec. 3. 4 MRSA §1701,** as amended by PL 2013, c. 563, §2, is repealed.

**Sec. 4. 5 MRSA §12004-G, sub-§23-A,** as enacted by PL 1995, c. 451, §2, is repealed.

See title page for effective date.