

§346. Judicial appeals

1. Appeal to Superior Court. Except as provided in subsection 4 and section 347-A, subsection 3 or 4, any person aggrieved by any order or other final action of the board or commissioner may appeal to the Superior Court. These appeals to the Superior Court must be taken in accordance with Title 5, chapter 375, subchapter 7.

[PL 2023, c. 139, §5 (AMD).]

2.

[PL 1977, c. 694, §759 (RP).]

2-A. Appeal. Any party to the appeal in the Superior Court under this section may obtain review by appeal to the Supreme Judicial Court sitting as the law court. The appeal shall be taken as in other civil cases.

[PL 1977, c. 696, §342 (NEW).]

3. Limitation.

[PL 2001, c. 232, §4 (RP).]

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, an application for a transmission line or lines developed pursuant to Title 35-A, section 3210-I, subsection 2 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, an application for a transmission line or lines developed pursuant to Title 35-A, section 3210-I, subsection 2 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.

[PL 2023, c. 660, §11 (AMD).]

5. Tolling of deadlines. When a license or permit decision or other final action of the board or the commissioner is appealed to a court in accordance with this section, the board or the commissioner may toll for the pendency of the judicial appeal the running of time for any deadline established in the license, permit or action under appeal.

[PL 2023, c. 139, §6 (NEW).]

SECTION HISTORY

PL 1977, c. 300, §9 (NEW). PL 1977, c. 694, §§758,759 (AMD). PL 1977, c. 696, §342 (AMD). PL 1989, c. 890, §§A40,B4 (AMD). PL 2001, c. 232, §4 (AMD). PL 2007, c. 661, Pt. B, §§7, 8 (AMD). PL 2009, c. 615, Pt. E, §5 (AMD). PL 2009, c. 642, Pt. B, §§3, 4 (AMD). PL 2011, c. 420, Pt. A, §34 (AMD). PL 2023, c. 139, §§5, 6 (AMD). PL 2023, c. 660, §11 (AMD).

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