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An Act To Amend the Law Governing Appeals of Final Agency Action on Applications Concerning Wind Energy Development

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

Sec. 1. 38 MRSA §346, sub-§4, as repealed and replaced by PL 2011, c. 420, Pt.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

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.

SUMMARY

Current law grants exclusive jurisdiction to the Law Court over appeals of final action by the Board of Environmental Protection or the Commissioner of Environmental Protection on applications for expedited wind energy development, general permits for tidal energy demonstration projects and general permits for offshore wind energy demonstration projects. Under this bill, a person aggrieved by any order or decision of the board or commissioner on an application for an expedited wind energy development may instead appeal to the Superior Court.