

Bond Case Briefs

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MUNICIPAL ORDINANCE - MAINE

Town of China v. Althenn

Supreme Judicial Court of Maine - December 10, 2013 - A.3d - 2013 ME 107

Town brought action against property owner, alleging he maintained an unauthorized automobile graveyard on his property. The District Court entered judgment in favor of town, ordering property owner to remove or store three unregistered vehicles, and imposed a civil penalty and attorney fees. Property owner appealed and town cross-appealed.

The Supreme Judicial Court of Maine held that:

- Sufficient evidence existed to support finding that automobiles stored on property owner's land were not antique vehicles, and thus, that property owner was in violation of the automobile graveyard and junkyard statute;
- Sufficient evidence existed to support finding that property owner's 3/4 ton truck was not a tractor used solely for logging purposes;
- Property owner's interrogatory answer, in which he identified a truck stored on his property as an "altered vehicle," did not constitute inadmissible opinion testimony; and
- District Court did not abuse its discretion in declining to award town additional attorney fees.