

GUARDIANSHIP OF MABEL V.

Submitted on Briefs June 2, 2015  
Decided June 25, 2015

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Mabel V. appeals from a judgment of the Cumberland County Probate Court (*Mazziotti, J.*) finding her incapacitated and appointing the Maine Department of Health and Human Services as her full guardian. *See* 18-A M.R.S. §§ 5-101(1), 5-304 (2014). Contrary to Mabel's contentions, there was sufficient evidence<sup>1</sup> to support the required findings, and the court did not abuse its discretion in denying Mabel's motion to permit a witness to testify by telephone. *See* M.R. Civ. P. 43(a); M.R. Evid. 611(a).

The entry is:

Judgment affirmed.

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<sup>1</sup> The parties submitted an agreed upon statement of evidence in lieu of a transcript of the probate court proceedings because the hearing was not recorded. We remind all concerned that probate matters involving fundamental rights must be recorded. *See* 2015 Me. Rules 03 (effective May 1, 2015); M.R. Pro. P. 76H; M.R. Civ. P. 76H.

**On the briefs:**

John F. Zink, Esq., Freeport, for appellant Mabel V.

Janet T. Mills, Attorney General, and Katherine Greason, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

Cumberland County Probate Court docket number 2013-1592  
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