

TOWN OF NORTHPORT

v.

DONALD W. RAMSEY et al.

Submitted on Briefs June 14, 2017  
Decided June 27, 2017

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

MEMORANDUM OF DECISION

Donald W. and Doreen C. Ramsey appeal from a judgment of the District Court (Belfast, *Mathews, J.*) finding that they maintained an “automobile graveyard” without a permit in violation of 30-A M.R.S. § 3753 (2016), and imposing a fine of \$100 per day for each of 151 days that they were in violation of the statute, *see* 30-A M.R.S. § 3758-A(3) (2016); 30-A M.R.S. § 4452(3)(B) (2016). Preliminarily, we note that we have no jurisdiction to review the Ramseys’ challenge to the Town’s prosecutorial discretion to file and prosecute the complaint. *Salisbury v. Town of Bar Harbor*, 2002 ME 13, ¶¶ 10-11, 788 A.2d 598; *Herrle v. Town of Waterboro*, 2001 ME 1, ¶¶ 10-11, 763 A.2d 1159. The questions properly presented to us are whether the evidence was sufficient to support the court’s findings, and whether the court properly applied the law. Contrary to the Ramseys’ contentions, there was no clear error in the court’s factual findings or legal conclusion that the Ramseys’ property was an “automobile graveyard.” 30-A M.R.S. § 3752(1) (2016); *City of Bangor v. Diva’s, Inc.*, 2003 ME 51, ¶ 7, 830 A.2d 898. Because the Town did not file a notice of appeal, we do not disturb the court’s denial of its request for attorney fees. *Town of Mt. Desert v. Smith*, 2000 ME 88, ¶¶ 7-8, 751 A.2d 445.

The entry is:

Judgment affirmed.

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Sheilah R. McLaughlin, Esq., Brunswick, for appellants Donald W. and Doreen C. Ramsey

William S. Kelly, Esq., Kelly & Associates, LLC, Belfast, for appellee Town of Northport

Belfast District Court docket number CV-2016-41  
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