

GLORIA CARIGNAN

v.

PAUL R. DUMAS JR.

Argued on March 6, 2018
Decided March 20, 2018

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

MEMORANDUM OF DECISION

The factual background for this appeal is stated in *Carignan v. Dumas* (*Carignan I*), 2017 ME 15, 154 A.3d 629. In *Carignan I*, we vacated the court’s entry of summary judgment for Gloria Carignan and remanded for the trial court to determine “whether, at what times, and to what extent Willow Street has been used or constructed within the meaning of [23 M.R.S. §] 3032.” *Id.* ¶ 29.

Carignan now appeals from the judgment, entered after our remand, by the Superior Court (Oxford County, *Clifford, J.*), finding that Paul R. Dumas Jr. has continued rights to access and use Willow Street, a “paper” street in the Town of Rumford never accepted by the Town. Carignan’s complaint sought a declaratory judgment that Dumas’s private rights to Willow Street were extinguished and the public rights to Willow Street were vacated pursuant to the Paper Streets Act, 23 M.R.S. §§ 3032(1-A), 3033 (2017).

Contrary to Carignan’s contentions that the court’s findings demonstrate an error of law, the court did not err in concluding that the public and private

rights to Willow Street remain intact, as Willow Street was constructed and used as a way before September 29, 1997. *See* 23 M.R.S. § 3032(1-A).

Because Carignan failed to file a motion for additional findings of fact, *see* M.R. Civ. P. 52, and failed to provide us with a transcript of the trial court proceedings, we must assume that the court's factual findings and conclusions based on those findings are supported by the record. *Rainbow v. Ransom*, 2010 ME 22, ¶ 3, 990 A.2d 535 ("Because [the appellant] did not provide us with a transcript of the hearing below, we must assume that the record would support the trial court's findings and evidentiary rulings."); *see Gehrke v. Gehrke*, 2015 ME 58, ¶ 8, 115 A.3d 1252 (stating that in the absence of a motion for additional findings of fact and conclusions of law pursuant to M.R. Civ. P. 52, we will infer that the trial court made any factual inferences needed to support its ultimate conclusion).

The entry is:

Judgment affirmed.

Thomas S. Carey, Esq., Carey & Associates, P.A., Rumford, and Stephean C. Chute, Esq. (orally), South Casco, for appellant Gloria Carignan

James B. Haddow, Esq. (orally), Petruccelli, Martin & Haddow, LLP, Portland, for appellee Paul R. Dumas Jr.