

BAY FERRIES, LTD.

v.

BOARD OF HARBOR COMMISSIONERS FOR PORTLAND HARBOR et al.

Argued February 5, 2019
Decided February 14, 2019

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

MEMORANDUM OF DECISION

The Board of Harbor Commissioners for Portland Harbor (Board) and Portland Pilots, Inc. (Pilots), appeal from an order of the Superior Court (Cumberland County, *L. Walker, J.*), vacating a decision of the Board and remanding the matter to the Board for further proceedings. The court found that the Board erred in failing to consider Pilots' revenues when adopting a rate increase for pilotage service in Portland Harbor.

We conclude, contrary to the Board's and Pilots' assertions, that no exception to the final judgment rule applies to this interlocutory appeal; accordingly, we dismiss the appeal and remand for further proceedings before the Board. *See State v. Carrillo*, 2018 ME 84, ¶ 4, 187 A.3d 621; *Willey v. Willey*, 2015 ME 102, ¶ 4, 121 A.3d 111; *Liberty v. Bennett*, 2012 ME 81, ¶ 18, 46 A.3d 1141; M.R. Civ. P. 80B(m).

The entry is:

Appeal dismissed. Remanded to the Superior Court for remand to the Board for further proceedings.

Jennifer L. Thompson, Esq. (orally), and Danielle P. West-Chuhta, Esq., City of Portland, Portland, for appellant Board of Harbor Commissioners for Portland Harbor

Twain Braden, Esq. (orally), Thompson Bowie & Hatch LLC, Portland, for appellant Portland Pilots, Inc.

Matthew S. Warner, Esq. (orally), Harold C. Pachios, Esq., and Jonathan G. Mermin, Esq., Preti Flaherty Beliveau & Pachios, LLP, Portland, for appellee Bay Ferries Limited

Cumberland County Superior Court docket numbers AP-2017-36 and -48
FOR CLERK REFERENCE ONLY