

PRESCOTT MCCURDY

v.

BUREAU OF MOTOR VEHICLES et al.

Submitted on Briefs December 18, 2020

Decided December 29, 2020

Panel: MEAD, GORMAN, JABAR, HORTON, and CONNORS, JJ.

#### MEMORANDUM OF DECISION

Prescott McCurdy appeals from a judgment of the Superior Court (Kennebec County, *Murphy, J.*) in a Rule 80C appeal, affirming the decision of the Secretary of State, Bureau of Motor Vehicles order transferring title of McCurdy's vehicle to Atlantic Coast Towing after a hearing, pursuant to Maine's abandoned vehicles statute, 29-A M.R.S. § 1852 (2020).

The record of the Bureau of Motor Vehicles is supported by substantial evidence that McCurdy's vehicle was an abandoned vehicle as defined by Maine law. The record contains evidence that Atlantic Coast towing provided the Secretary of State with the notice required by 29-A M.R.S. § 1854 (2020). The record also contains evidence that McCurdy received notice from the Secretary of State and that the notice complied with 29-A M.R.S. § 1854(3). As McCurdy received notice and never paid Atlantic Coast Towing any of the fees owed, the Bureau of Motor Vehicles' decision to issue a certificate of title to Atlantic Coast Towing is supported by substantial evidence. *Somerset Cty. v. Dep't of Corr.*, 2016 ME 33, ¶ 14, 133 A.3d 1006.

McCurdy also raises several claims challenging the constitutionality of the abandoned vehicles statute. Contrary to McCurdy's contentions, we conclude that the Superior Court did not err in dismissing these claims as meritless.

The entry is:

Judgment affirmed.

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Prescott McCurdy, appellant pro se

Aaron M. Frey, Attorney General, and Donald W. Macomber, Asst. Atty. Gen.,  
Office of the Attorney General, Augusta, for appellee Secretary of State

Kennebec County Superior Court docket number AP-2019-9  
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