

STATE OF MAINE

v.

KAREN LEWIS et al.

Submitted on Briefs June 25, 2020
Decided July 2, 2020

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

MEMORANDUM OF DECISION

Karen Lewis appeals from a judgment of the District Court (Houlton, *Nelson, J.*) forfeiting her horses to the State of Maine Animal Welfare Program. *See* 17 M.R.S. §§ 1021, 1027 (2018).¹ To the extent that Lewis is attempting to appeal the court’s judgment as it pertains to two horses owned by nonappealing defendants, she cannot. *See Alexander, Maine Appellate Practice* § 204(c) at 268 (5th ed. 2018) (“To have standing to appeal from a decision, a party must be aggrieved by that decision—that is, the challenged action must operate prejudicially and directly upon a party’s property, pecuniary or personal rights.” (quotation marks omitted)). That leaves only the two horses

¹ Sections 1021 and 1027 were amended significantly during the pendency of this matter. *See* P.L. 2019, ch. 237 (effective September 19, 2019). Because there is no indication that the Legislature intended the amendments to apply to pending matters, *see* P.L. 2019, ch. 237, we apply the rule of construction contained in 1 M.R.S. § 302 (2020) that “[a]ctions and proceedings pending at the time of the passage, amendment or repeal of an Act or ordinance are not affected thereby.” *See MacImage of Me., LLC v. Androscoggin Cty.*, 2012 ME 44, ¶ 22, 40 A.3d 975 (explaining that the “general rule of statutory construction set forth in section 302” may only be overcome “by legislation expressly citing section 302, or explicitly stating an intent to apply a provision to pending proceedings” (alteration omitted) (quotation marks omitted)).

that Lewis actually owned at issue in this appeal. One of those horses, however, was humanely euthanized after being seized by the State; because that horse cannot be returned to Lewis, her appeal with regard to it is moot. *See Clark v. Hancock Cty. Cmm'rs*, 2014 ME 33, ¶ 11, 87 A.3d 712 (“We decline to decide issues that have lost their controversial vitality, that is, when a decision by this Court would not provide an appellant any real or effective relief.” (alterations omitted) (quotation marks omitted)). As for the horse that is still living, the court’s finding that Lewis failed to meet her burden to show cause why the animal should be returned to her is supported by the record. *See Strand v. Velandry*, 2020 ME 38, ¶ 2, --- A.3d --- (stating that we review a “court’s factual findings for clear error” and “will not second-guess the trial court’s credibility assessment of conflicting testimony” (quotation marks omitted)).

The entry is:

Judgment affirmed.

Karen Lewis, appellant pro se

The State of Maine did not file a brief

Houlton District Court docket number CV-2018-19
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