

SAMUEL E. BURGESS III

v.

TOWN OF PHIPPSBURG

Submitted on Briefs December 18, 2020
Decided January 21, 2021

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

MEMORANDUM OF DECISION

Samuel Burgess appeals from a judgment of the Superior Court (Sagadahoc County, *Billings, J.*) affirming, pursuant to M.R. Civ. P. 80B, the decision of the Phippsburg Harbor Commission that determined that Burgess's moorings had been abandoned pursuant to Phippsburg Me., Harbor Ordinance § 8(C) (amended through May 14, 2019). Contrary to Burgess's contentions, he does not have a constitutionally or statutorily protected property interest in his mooring location, *Gonzales v. Comm'r, Dep't of Pub. Safety*, 665 A.2d 681, 683 (Me. 1995); 38 M.R.S. § 3 (2020), and the Phippsburg Harbor Ordinance is not facially unconstitutional, *see Guardianship of Chamberlain*, 2015 ME 76, ¶ 10, 118 A.3d 229.

The entry is:

Judgment affirmed.

Richard L. O'Meara, Esq., and Francis D. Bigelow, Esq., Murray, Plumb & Murray,
Portland, for appellant Samuel E. Burgess III

Jessica L. Maher, Esq., Moncure & Barnicle, Brunswick, for appellee Town of
Phippsburg

Sagadahoc County Superior Court docket number AP-19-03
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