

KATHLEEN BRYANT et al.

v.

TOWN OF WISCASSET et al.

Argued December 7, 2022
Decided April 18, 2024

Panel: STANFILL, C.J., and MEAD, HORTON, CONNORS, and LAWRENCE, JJ.*

MEMORANDUM OF DECISION

Kathleen and Thomas Bryant appeal from a judgment of the Superior Court (Lincoln County, *R. Murray J.*) dismissing as moot their appeals, brought pursuant to M.R. Civ. P. 80B, of the Town of Wiscasset Board of Selectmen's (the Board) approval of two annual licenses, which were for the sale of consumer fireworks and applied for by party-in-interest Allen S. Cohen, the owner of party-in-interest Big Al's Outlet, Inc., d/b/a Big Al's Fireworks Outlet (Big Al's).¹ The Bryants also appeal from the court's amended judgment affirming the Board's approval of Cohen's business license application regarding Big Al's.²

We conclude that the court did not err in dismissing as moot the Bryants' appeals regarding the expired annual sales licenses. *See Anthem Health Plans of Me., Inc. v. Superintendent of Ins.*, 2011 ME 48, ¶¶ 5, 7, 18 A.3d 824; *see also*

* Although Justice Jabar participated in this appeal, he retired before this memorandum of decision was certified.

¹ Big Al's is also owned by party-in-interest Melissa Cohen.

² We consolidated the Bryants' three appeals regarding the three licenses.

Lewiston Daily Sun v. Sch. Admin. Dist. No. 43, 1999 ME 143, ¶ 12, 738 A.2d 1239 (explaining that “[c]ourts cannot issue opinions on questions of fact or law simply because the issues are disputed or interesting” and “can only decide cases before them that involve justiciable controversies”). The parties do not dispute that the annual sales licenses have expired, and we determine that none of the exceptions to the mootness doctrine require us to accept the appeal.³ See, e.g., *Mainers for Fair Bear Hunting v. Dep’t of Inland Fisheries & Wildlife*, 2016 ME 57, ¶¶ 5, 7-8, 10, 136 A.3d 714; *Monroe v. Town of Gray*, 1999 ME 190, ¶¶ 1, 4-6, 743 A.2d 1257; *Me. Civ. Liberties Union v. City of South Portland*, 1999 ME 121, ¶¶ 8-11, 734 A.2d 191. We thus affirm the court’s dismissal of the Bryants’ appeals regarding the Board’s approval of the annual sales licenses.

We dismiss as moot the Bryants’ appeal regarding the business license because the parties do not dispute that the business license has expired since the court’s amended judgment. See *Monroe*, 1999 ME 190, ¶ 4, 743 A.2d 1257; *Halfway House, Inc. v. City of Portland*, 670 A.2d 1377, 1379-80 (Me. 1996). Further, we decline to apply any of the exceptions to the mootness doctrine. See, e.g., *Anthem*, 2011 ME 48, ¶¶ 8, 10, 18 A.3d 824; *Carroll F. Look Constr. Co. v. Town of Beals*, 2002 ME 128, ¶¶ 1, 7, 802 A.2d 994; *Monroe*, 1999 ME 190, ¶ 6, 743 A.2d 1257; *Lewiston Daily Sun*, 1999 ME 143, ¶¶ 18-19, 738 A.2d 1239.⁴

The entry is:

Judgment dismissing as moot the Bryants’ appeals regarding the Board’s approval of the annual sales licenses is affirmed. The Bryants’ appeal of the amended judgment affirming the

³ We note that the Bryants have filed multiple 80B complaints in the Superior Court, which involve these parties and concern the Board’s subsequent approval of Cohen’s applications for annual licenses for the sale of consumer fireworks, and the Town’s alleged failure to take enforcement action, after the order of the court (Kennebec County, *Murphy, J.*) in *Bryant v. State of Me. Dep’t of Pub. Safety*, No. AP-19-18, 2020 Me. Super. LEXIS 75 (May 7, 2020). We may take judicial notice of materials from the current proceedings involving the parties. See *Cabral v. L’Heureux*, 2017 ME 50, ¶ 10, 157 A.3d 795 (“Courts may take judicial notice of pleadings, dockets, and other court records where the existence or content of such records is germane to an issue in the same or separate proceedings.”).

⁴ We thus do not reach the merits of the parties’ arguments regarding any of the licenses. See *In re Involuntary Treatment of K.*, 2020 ME 39, ¶ 14, 228 A.3d 445.

Board's approval of the business license is
dismissed as moot.

Jonathan A. Pottle, Esq., Eaton Peabody, Bangor, for appellants Kathleen and
Thomas Bryant

Mary E. Costigan, Esq., Bernstein Shur, Portland, for appellee Town of Wiscasset

Chris Neagle, Esq., Neagle Law LLC, Cumberland, for appellees Big Al's Outlet,
Inc., and Allen and Melissa Cohen

Lincoln County Superior Court docket numbers AP-2020-01, AP-2020-02 and AP-2020-03
FOR CLERK REFERENCE ONLY