

RICHARD LONGLEY et al.

v.

AMANDA BRESSETTE

Submitted on Briefs April 14, 2000  
Decided April 20, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY, and  
CALKINS, JJ.

#### MEMORANDUM OF DECISION

The Longley family appeals from the judgment entered against them by the Superior Court (Somerset County, *Marsano, J.*) after a bench trial on their claim that a portion of their neighbor's property constituted a public way or was encumbered by an easement. *See Longley v. Knapp*, 1998 ME 142, 713 A.2d 939 (remanding for trial). Contrary to the Longleys' contentions, the court did not err in concluding that (1) the land had not been taken as a town way, *see* R.S. 1903, Ch. 23, §§ 18 & 20; and (2) the evidence did not compel the court to find either that the Longleys had proved the existence of a public easement, *see Comber v. Plantation of Dennistown*, 398 A.2d 376, 378 (Me. 1979), or a private, implied easement, *see Amadeo v. Francis*, 681 A.2d 462, 464 (Me. 1996). Moreover, the court was not compelled to accept the testimony of the Longleys' expert, *see*

*Merrill Trust Co. v. State*, 417 A.2d 435, 441 (Me. 1980), and the court's consideration of certain tax documents as corroboration of other credible evidence did not constitute clear error, *see Town of Sedgwick v. Butler*, 1998 ME 280, ¶ 5, 722 A.2d 357, 358. Finally, Because the Longleys failed to demonstrate a right of access across their neighbors land, her actions in limiting their access did not constitute a nuisance. *See Norcross v. Thoms*, 51 Me. 503 (1863).

The entry is:

Judgment affirmed.

---

Attorney for plaintiffs:

Ernest W. Hilton, Esq.  
P O Box 162  
Madison, ME 04950

Attorneys for defendants:

Daniel J. Bernier, Esq.  
Marden, Dubord, Bernier & Stevens  
P O Box 708  
Waterville, ME 04903-0708  
(for Amanda Bressette)

Anthony P. Shusta II, Esq.  
P O Box 170  
Madison, ME 04950  
(for Town of Madison)