

SPC TRANSPORT COMPANY

v.

NEW ENGLAND TRANSFER SERVICES, INC., et al.

Argued October 14, 2003
Decided November 18, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, ALEXANDER, CALKINS,
and LEVY, JJ.*

MEMORANDUM OF DECISION

SPC Transport Company appeals from the judgment entered in the Superior Court (Cumberland County, *Warren, J.*) in favor of New England Transfer Services, Inc., and Donna Landry d/b/a Reusable Resources. Contrary to SPC's contentions, the Superior Court did not err in concluding that no agency relationship existed between SPC and Archie St. Hilaire. Although an individual may be both an independent contractor and an agent, *Baker Bus Serv., Inc. v. Keith*, 416 A.2d 727, 730 n.2 (Me. 1980), SPC had the burden of proving the existence of an agency relationship between SPC and St. Hilaire. *Page v. Boone's*

* Dana, J., sat at oral argument but did not participate in the development of the opinion.

Transp., Ltd., 1998 ME 105, ¶ 5, 710 A.2d 256, 257. The record supports the Superior Court's conclusion that SPC failed to meet its burden of proof.

The entry is:

Judgment affirmed.

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