

TOWN OF LEE

v.

EDWIN GOODWIN

On Briefs February 26, 2003  
Decided March 19, 2003

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

MEMORANDUM OF DECISION

Edwin Goodwin appeals from the decision of the District Court (Lincoln, *Stitham, J.*) finding him in violation of the automobile graveyard permit requirement, 30-A M.R.S.A. § 3753 (1996). Contrary to Goodwin's argument, he was not deprived of due process by the absence of a transcript, caused by a faulty recording, because he did not avail himself of the process that allows for the reconstruction of a trial record when a transcript becomes unavailable, pursuant to M.R. App. P. 5(d), (e), *see Lassiter v. Dep't of Soc. Servs. of Durham County, N.C.*, 452 U.S. 18, 33 (1981) (“[A] court deciding whether due process requires the

appointment of counsel need not ignore a parent’s plain demonstration that she is not interested in attending a hearing.”), and because he is not challenging, on appeal, the sufficiency of the evidence presented at trial. Further, the Town of Lee Board of Selectmen did not deny his due process rights when it did not provide a hearing regarding his “automobile graveyard” in the absence of his submission of a permit application. Neither the statutes nor the ordinances require a pre-application hearing, nor does the record reflect a promise by the Board to conduct this hearing *before* Goodwin filed an application for a permit. *See Curran v. Ruffing*, 2002 ME 48, ¶ 9, 792 A.2d 1090, 1093.

The entry is:

Judgment affirmed.

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