

TOWN OF KENNEBUNKPORT

v.

CHARLES L. WILDES

Submitted on Briefs May 17, 2007

Decided June 5, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, LEVY, SILVER, and MEAD, JJ.

MEMORANDUM OF DECISION

Charles L. Wildes appeals from a judgment entered in the District Court (Biddeford, *Stavros, J.*) in favor of the Town of Kennebunkport on its land use complaint, *see* 30-A M.R.S. § 4452 (2006); M.R. Civ. P. 80K. The complaint alleged that Wildes had maintained an illegal automobile graveyard and junkyard on his property on the Clement Huff Road in Kennebunkport in violation of 30-A M.R.S. §§ 3751-3760 (2005);¹ 17 M.R.S. § 2802 (2006); and Kennebunkport, Me., Land Use Ordinance §§ 2.2, 4.2, 4.10 (June 14, 2005). Contrary to Wildes's contention, the court did not err in imposing a civil penalty in the minimum

¹ Since the period of Wildes's violations, two of these statutes have been amended. P.L. 2005, ch. 683, §§ A-51, A-52 (effective Aug. 23, 2006) (codified at 30-A M.R.S. §§ 3754-A, 3755-A (2006)).

amount required by statute and ordinance, *see* 30-A M.R.S. § 4452(3)(B); Kennebunkport, Me., Land Use Ordinance § 11.10 (June 14, 2005); *Jacobs v. Jacobs*, 2007 ME 14, ¶ 5, 915 A.2d 409, 410. Because the trial was not recorded and Wildes failed to submit a statement of the evidence in lieu of a transcript pursuant to M.R. App. P. 5(d), contrary to Wildes's contention, we assume that the evidence supports the court's award of attorney fees and costs, *see* 30-A M.R.S. § 4452(3)(D); *In re Cyr*, 2005 ME 61, ¶ 17, 873 A.2d 355, 361.

The entry is:

Judgment affirmed.

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