

RAYMOND HARDING

v.

STEVEN M. POULIN et al.

Submitted on Briefs February 26, 2009

Decided March 3, 2009

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Raymond Harding appeals from an order (Kennebec County, *Jabar, J.*) accepting a referee's findings of fact and conclusions of law pertaining to the status of a road and public easement and the respective rights of the parties. The referee found that the Poulins have a right of access to their property by a public easement over Harding's land. Harding makes several arguments, all of which pertain to the sufficiency of the evidence presented to the referee. None of Harding's arguments can be addressed without a review of the testimony presented to the referee in the hearing. *See Calthorpe v. Abrahamson*, 423 A.2d 231, 234 (Me. 1980). There was no transcript created of that hearing. Without a transcript of the evidence before the referee, neither the Superior Court nor this Court has any basis for rejecting the referee's findings. *See id.*

The entry is:

Judgment affirmed.

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**Attorney for Raymond Harding:**

Eric M. Mehnert, Esq.  
Hawkes & Mehnert  
Six State Street, Suite 600  
Bangor, Maine 04401

**Attorney for Steven M. Poulin and Jane E. Poulin:**

Kenneth A. Lexier, Esq.  
Wright & Mills, P.A.  
PO Box 9  
Skowhegan, Maine 04976