

DARCIE A. LINCOLN

v.

ROLAND L. HUTCHINS

Submitted on Briefs February 26, 2009

Decided March 31, 2009

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

#### MEMORANDUM OF DECISION

Darcie A. Lincoln appeals from a divorce judgment entered by the District Court (Ellsworth, *Staples, J.*) on her complaint. Contrary to Lincoln's contention, the record does not demonstrate that the judge was biased towards the defendant, Roland L. Hutchins. The statements that Lincoln argues show bias in favor of Hutchins on the part of the judge were either an attempt to speed up the trial or to clarify testimony, or benign comments that did not "demonstrate a deep-seated favoritism or antagonism that would make fair judgment impossible." *Walter v. Wal-mart Stores, Inc.*, 2000 ME 63, ¶ 39, 748 A.2d 961, 974 (quotation marks omitted). We are also unpersuaded by Lincoln's contention that the judgment should be vacated based on erroneous evidentiary rulings. Any errors that may have been made by the court were harmless and did not prejudice Lincoln. M.R. Civ. P. 61; *see also* M.R. Evid. 701; *In re Misty B.*, 2000 ME 67, ¶ 9, 749 A.2d 754, 757; *Chrysler Credit Corp. v. Bert Cote's L/A Auto Sales, Inc.*, 1998 ME 53, ¶ 21, 707 A.2d 1311, 1317; *cf. Simmons v. State*, 234 A.2d 330, 332 (Me. 1967).

Moreover, because there is competent evidence to support the court's findings as to the parties' relative contributions to their business enterprise and primary marital asset, the Breezemere Inn, those findings are not clearly erroneous. *Gould v. A-1 Auto, Inc.*, 2008 ME 65, ¶ 6, 945 A.2d 1225, 1228; *Harmon v. Emerson*, 425 A.2d 978, 982 (Me. 1981). Nor did the court abuse its discretion in

its division of property and allocation of debt; the court properly considered the parties' contributions to the marital estate, the value of their nonmarital property, and their current economic circumstances. 19-A M.R.S. § 953(1) (2008); *Hess v. Hess*, 2007 ME 82, ¶ 28, 927 A.2d 391, 398.

Finally, the court properly considered the parties' economic circumstances and determined that, although Hutchins has more nonmarital property, because Lincoln received a greater share of the marital estate, and has a significantly higher income, both parties should be responsible for their own attorney fees. *See Rosen v. Rosen*, 651 A.2d 335, 337 (Me. 1994). That determination was not outside the broad discretion of the court.

The entry is:

Judgment affirmed.

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