JASON DROUIN

v.

MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 6

Argued on February 9, 2022
Decided March 17, 2022

Panel: STANFILL, C.J., and MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Jason Drouin appeals from a summary judgment entered by the Superior Court (York County, *Douglas, J.*) in favor of Maine School Administrative District No. 6 (MSAD 6) on Drouin's negligence claim. Drouin contends that the trial court erred by concluding that a bus circle in front of an elementary school where he slipped and fell did not constitute an appurtenance to a public building pursuant to 14 M.R.S. § 8104-A(2) (2021) of the Maine Tort Claims Act (MTCA), 14 M.R.S. §§ 8101-8118 (2021), and therefore that no exception to immunity for governmental entities applied. Contrary to Drouin's contentions, the bus circle outside of the school building at issue is not an appurtenance pursuant to section 8104-A(2) because it meets none of the requirements necessary to satisfy the "fixture test" as laid out in *Searle v. Town of Bucksport*, 2010 ME 89, ¶¶ 13-22, 3 A.3d 390, and its progeny. *See Klein v. Univ. of Me. Sys.*, 2022 ME 17, ¶ 11-14, --- A.3d --- (concluding that a parking lot on a university campus "is not an appurtenance as that term is used in section 8104-A(2) because it meets none of the requirements necessary to qualify as a fixture"). Because the bus circle is not an appurtenance, we conclude that Drouin's injury is one for which MSAD 6 is afforded governmental immunity from suit by

14 M.R.S. § 8103(1) and, accordingly, that the trial court correctly determined that MSAD 6 is entitled to the entry of a summary judgment.

The entry is:

Judgment affirmed.

William C. Herbert, III, Esq., and Sean V. Walton, Esq. (orally), Hardy Wolf & Downing, P.A., Lewiston, for appellant Jason Drouin

Melissa A. Hewey, Esq., and Sara P. Cressey, Esq. (orally), Drummond Woodsum, Portland, for appellee Maine School Administrative District No. 6

York County Superior Court docket number CV-2020-125
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