

TOWN OF HARPSWELL

v.

ARTHUR G. POWERS III

Submitted on Briefs February 9, 2000
Decided February 10, 2000

Panel: WATHEN, C.J., and CLIFFORD, DANA, SAUFLEY, and ALEXANDER, JJ.

MEMORANDUM OF DECISION

Arthur G. Powers III appeals an order entered in the Superior Court (Cumberland County, *Crowley, J.*) finding that Powers was in violation of a previous court order and assessing attorney fees and civil penalties against Powers. Contrary to Powers's contentions, he was not entitled to relitigate the court's 1997 determination that he had created an illegal subdivision. *See Town of Harpswell v. Powers*, No. 98-35 (Me. Feb. 17, 1998) (mem.). Moreover, the evidence in the record supports the Superior Court's conclusion that Powers was in violation of the 1997 judgment and that fees and penalties were appropriate. *See* 30-A M.R.S.A. § 4452(2) (1996); *Poussard v. Commercial Credit Plan, Inc. of Lewiston*, 479 A.2d 881, 884 (Me. 1984). Accordingly, we conclude that the Superior Court acted well within the bounds of its discretion.

The entry is:

Judgment affirmed. Remanded to the
Superior Court for assessment of attorney fees
on appeal.

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