

LUCERNE-IN-MAINE VILLAGE CORPORATION

v.

BRUCE R. BLACKMER

Argued March 6, 2000
Decided March 29, 2000

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

MEMORANDUM OF DECISION

Bruce R. Blackmer appeals the decision of the Superior Court (Hancock County, *Mead, J.*), which affirmed the judgment of the District Court (Ellsworth, *Brodrick, A.R.J.*) finding Blackmer to be in violation of Lucerne-in-Maine Village Corporation's land use regulations, imposing a fine of \$2,500, ordering Blackmer to cease using a lot located within Lucerne's rural residential zone for commercial auto sales purposes, and awarding attorney fees.

Contrary to Blackmer's contentions, the court did not err when it found that Blackmer's use of the lot is subject to Lucerne's land use regulations because: (1) P. & S.L. 1979, ch. 30, § 1, being specific in nature, has precedence over the general provisions of 30-A M.R.S.A. § 6303 (1996), the original enactment of which, *see* P.L. 1957, ch. 405, § 1, predated Lucerne's specific authorizing legislation, *see Butler v. Killoran*, 1998 ME 147, ¶ 11, 714 A.2d 129, 133-34; (2) village corporation voter qualifications are not subject to the residence limitations of 21-A M.R.S.A. § 111 (1993),

see Rackliffe v. Northport Village Corp., 1998 ME 114, 711 A.2d 1282, 1284; (3) the exercise of land use regulatory powers by a village corporation has nothing to do with elections for Governor, Senators, and Representatives, *see* ME. CONST. ART. II, § 1; (4) the legislative grant of zoning authority to a village corporation does not contravene the Maine Constitution because it does not single out “certain named individuals for benefits not available to the general citizenry,” *see* ME. CONST. ART. IV, pt. 3, § 13, and because village corporations serve “municipal purposes” when they regulate land use and, accordingly, may be both created and endowed with police powers through special legislation, *see* ME. CONST. ART. IV, pt. 3, § 14; (5) the court did not err when it declined to give preclusive effect to the Town of Dedham Board of Appeals’ decision that it had jurisdiction over Blackmer’s lot because such jurisdiction may be concurrent with the exercise of jurisdiction by Lucerne; and (6) Blackmer’s contention that his lot is grandfathered for commercial use is not adequately established in the record and is contradicted by his own testimony.

Blackmer’s remaining arguments do not merit discussion.

The entry is:

Judgment affirmed.

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