STATE OF MAINE
HANCOCK, ss.

SUPERIOR COURT
CIVIL ACTION
HANSC-AP-02-10

TOWN OF GOULDSBORO,)
)
Appellant)
)
v.)
)
JANE DAVIS DOGGETT,)
)
Appellee)

ORDER

Pending before the Court is the Town of Gouldsboro's (Appellant) M.R. Civ. P. Rule 80(B) Appeal from the Town of Gouldsboro Zoning Board of Appeals' (Board) decision granting a variance to Jane Davis Doggett (Appellee). Wayne R. Foote, Esq., for the Town of Gouldsboro and Peter R. Roy, Esq., for Jane Davis Doggett.

The record reveals that on May 14, 2002, the Court, acting on Docket Number AP-01-12, vacated the Board's decision denying the Appellee's variance and remanded the matter to the Board for a hearing upon the reconsideration issue upon proper notice to all parties within 30 days of receipt of notice of the decision. The record further indicates that the Board did not hold a hearing upon the reconsideration and instead tabled the issue. In general, if a party deviates from a court order, they are subject to reversal in a subsequent proceeding. Gagne v. Town of Dresden, 2002 WL 273648, *4 (Me. Super. Ct. 2002) (citing Sullivan v. Hudson, 490 U.S. 877, 886 (1989). The Court has the power to make sure parties follow prior mandates. Id. See generally Department of Human Services v. Monty, 2000 ME 96, ¶7, 750 A.2d 1276, 1278. M.R. Civ. P. 80(B)(c) provides the court may "affirm, reverse, or modify the decision under review or may remand the case to the governmental agency for further proceedings." Therefore, the Board's decision to table the issue is vacated and this matter is remanded to the Board for a hearing in accordance with the prior Court order. This Court will retain jurisdiction pending the Board's action.

Dated: 11-5-02

Joseph Jabar
Justice, Superior Court