

STATE OF MAINE
SOMERSET, ss.

SUPERIOR COURT
CIVIL ACTION

Docket No. AP-~~99-018~~

00-003

EAG-SOM-7/11/00

ALLANSON HILL,
Petitioner,

v.

ORDER ON APPEAL

STATE OF MAINE DEPARTMENT OF HUMAN SERVICES &
STATE OF MAINE BUREAU OF MOTOR VEHICLES,
Respondents.

PROCEDURAL HISTORY

Allanson Hill is the father of three children. Pursuant to orders issued by the District Court in 1997 and 1996, respectively, Mr. Hill was obligated to pay \$112.88 per week for the support of Stoddard S. Hill, born 6-26-85, and Jessie Hill, born 2-9-87, and \$50 per week for the support of Katherine B. Clapham, born 10-16-84.¹ When Mr. Hill failed to pay the sums ordered, the Department of Human Services ("DHS") served him with Notices of Debt in 1996 and 1998 as provided by 19-A M.R.S.A. § 2352.

Mr. Hill did not challenge the allegation of indebtedness in either case. However, he did file a motion to amend his support obligation for Stoddard and Jessie on February 24, 1999. On March 1, 1999, DHS served Mr. Hill with a notice informing him that it intended to revoke his licenses. As Mr. Hill is a veterinarian, both his license to operate motor vehicles and his license to practice veterinary medicine were at issue pursuant to 10 M.R.S.A. § 8001(38)(HH), and 19-A M.R.S.A.

¹ At Mr. Hill's request, the order concerning his younger children was reviewed in 1999. In a separate Order this court has requested that the District Court issue some additional findings. Therefore, the 1999 order is not yet effective.


§§ 2101(1) and 2101(7). Because Mr. Hill had filed a motion to amend, DHS stayed its certification of noncompliance. 19-A M.R.S.A. § 2202(11).

The District Court issued its decision in July 1999. Despite Mr. Hill's appeal from that decision the Department proceeded with its enforcement action in February 2000. A Notice of Suspension of his right to operate motor vehicles was sent to Mr. Hill by the Secretary of State in late February 2000. Mr. Hill filed a Petition for Review pursuant to M.R.Civ.P. 80C on March 23, 2000.

Because the court has remanded the July 1999 order to the District Court for further findings, the suspension must be vacated, pending the issuance of those findings. Although Mr. Hill maintains that his earning capacity is \$18,000, he has not been paying any support. The court anticipates that he will immediately correct this oversight before another week has passed.

This Order is to be incorporated into the docket by reference, in accordance with M.R.Civ.P. 79(a).

DATED: July 11, 2000



Ellen A. Gorman
Justice, Maine Superior Court

Action 80C Appeal of Final Agency Action vs. DONALD L. GARBRECHT
LAW LIBRARY

JUL 17 2000

Allanson Hill

State of Maine Bureau of
Motor Vehicles &
vs. Department of Human Services

Plaintiff's Attorney

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Date of
Entry

- | | |
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| 04/04/00 | Petition for Review of Suspension of Drivers License Pursuant to Rule 80C received and filed 03/23/00.

\$120.00 Filing Fee received and filed 03/31/00. |
| 04/13/00 | Proposed Order Dismissing Petitioner's Motion of Appeal and Motion to Dismiss Petitioner's Motion of Appeal received and filed 04/06/00. |
| 04/28/00 | Memorandum in Opposition to Plaintiffs Motion and Order to Dismiss Petitioner's Motion of Appeal of Suspension of Drivers License Pursuant to Rule 80C with attachments and Complaint Summary Sheet all received and filed 04/27/00. |
| 05/02/00 | Attachments to Allanson Hill's Motion in Opposition to Dismiss Petitioner's Appeal received and filed 05/02/00. |
| 05/18/00 | Record from the Secretary of State's office received and filed 05/15/00.

Letter received and filed 05/15/00 to Clerk from Raymond E. Ritchie, AAG advising that the Department is withdrawing its Motion to Dismiss.

Notice and Briefing Schedule forwarded to Allanson Hill, Pro Se and Raymond E. Ritchie, AAG on this day. |
| 06/15/00 | Petitioner's/Defendant's Brief received and filed 06/13/00. |
| 06/26/00 | Brief of Respondent received and filed 06/23/00. |
| 06/28/00 | Case scheduled for hearing on July 5, 2000 before the Hon. Ellen Gorman on Civil Motion Day on Appeal of Final Agency Action. Both sides agreed to scheduling this. Allanson Hill called on 06/27/00 and will not be filing a reply brief. |
| 06/30/00 | Petitioner's Reply Brief with attachments received and filed 06/30/00. |