

The following are transcripts of hearings before the KCSC in the matter associated with the Docket Number AUGSC-2024-114 held on November 5, 2024 and December 13, 2024. For the Purpose of secure custody of these as records, and irrespective of any determination other than that which is hereby averred to be, and to the best of his ability, these are a true transcribed representation of a recording of these hearing. – Greg Robie

They are filed linked to related testimony presented orally before the Joint Committee on Taxation for the 131st Legislature March 16, 2023, and upon the invitation of the Chair, was subsequently filed as written communication – written #PurposedSpeech – March 31, 2023.

<https://legislature.maine.gov/committee/getTestimonyDoc.asp?id=10014514>

This written communication was concurrently submitted to the Assessor of the Town of Winslow for the Officer's review and consideration in the matter of the Office's error concerning statutory and Constitutionally guaranteed land use under property law rights, and which continues to be denied as a determination based on taxation law, and an assessor's presumptive. No one should have to endure the three years and counting obfuscation of their rights as what is hashtagged #WinslowWeird variously practices.

=)
Greg

November 5, 2024 Transcript:

November 12, 2024

Purpose: Establishing a record in text documenting the claim that the court not only erred relative to the Rule cited for an inapplicable motion to dismiss, but in doing so extended a pattern in the court's behavior that is prejudicial and injury to the Petitioner, and this when the Clerk's Office named a petition as other than the petitioner's intended purpose: a petition for a ruling on timeliness and standing for the Purpose of a continuance of the right to Judicial Review.

Background: There was an ongoing conversation which was joined when connection was established at 9:02, November 5, 2024. The following is a transcription of that conversation from that point forward:

1. Justice Murphy: ...[re]starting from the beginning, Mr. Robie, I did receive what you filed, but the notice that went out to both you and Mr. Lee, or to the Town, I should say, incorrectly referenced the rule that gives the court, perhaps authority to dismiss the case. It cited Rule 41b, when it should have cited Rule 3 regarding failure to file proof of service, and so on. Did you serve the Town Mr. Robie?
2. Mr. Robie: Can you be specific as to which filing you're asking me to answer?
3. Justice Murphy: Oh I'm sorry, this is CV-24-114, this is: Greg Robie versus the Town of Winslow. That's the only file I have in front of me. That's the only case I know about – anything about – Mr. Robie, I don't... Did you file other lawsuits against the town?
4. Mr. Robie: The matter that has that number attached to it is two separate filings, both of them were properly served, and...
5. Justice Murphy: Okay, so did you file something with the court saying that you had served? Let me, I'm just trying to, I just opened this envelope so just bear with me.
6. Mr. Robie: It only got to the court center, I think it was what, 1:20 yesterday? So, you know, you're getting it this morning. Welcome.
7. Justice Murphy: So Mr. Lee, did you get something from Mr. Robie?
8. Attorney Lee: The Town forward is motioned to retain on the docket, and I received that from the Town yesterday.
9. Justice Murphy: Well you should know if your client was served or not.
10. Attorney Lee: They weren't served.

11. They've been, they've been email documents, they've been mailed documents, they've been mailing of numerous videos, and all sorts of things, but the Town has never been served with this suit, or whatever it is.
12. Justice Murphy: Well it's with, we filed it, we docketed it, well, it's a civil lawsuit. Now let me just see what's in the...
13. Mr. Robie: The, the...
14. Justice Murphy: Hold on Mr. Robie, I will hear from you.
15. Mr. Lee, when you said the Town sent you in motion, did they send you everything they received?
16. Mr. Lee: They sent me everything they received, yesterday.
17. Justice Murphy: Okay, which must be what I'm looking at here, this filed document here.
18. Mr. Lee: And there's, there have been many, many mailings and emailings. In fact there were several yesterday alone. Mr. Robie, on a variety of matters.
19. Justice Murphy: I'm just trying to see any proof of service here.
20. Mr. Robie: The last page in the packet is a certificate of service.
21. Justice Murphy: Okay. Alright, I see something dated October 31, Mr. Lee. It says, by this certificate of service, I, Greg Cushman Robie hereby certify that a true and correct copy of the motion to retain on the docket and the certificate of service were duly served upon the following by depositing the same in the U.S. mail by certified mail return receipt requested this Wednesday, October 31. And it's signed by Mr.

Robie, and it suggests that it was sent to Clerk Audrey Fleury, Town Clerk and Town Officer, Town Attorney, Town of Windsor on 114 Benton Avenue, Winslow. But it was sent October 31, 2024.

22. Mr. Lee: I had that, I just pulled it up on the computer. The clerk forwarded to me this motion to retain on, to remain on the docket. I was not, at least at this point, I've not been served anything. And in terms of service, it looks like he's, he's saying [inaudible]...

23. Justice Murphy: Except there's also, yeah, but there's also something, but when he filed ...the ...

24. Mr. Robie: May I offer some ...

25. Justice Murphy: Yeah, I'm looking at a different written certificate of service from June of 24.

26. Mr. Robie: There should be, yes, yes, I, I, the ... there is a June 12th filing that the court received, subsequently received.

27. Justice Murphy: And that would have been the initiation of this lawsuit, Mr. Robie, is that what you

28. Mr. Robie: I, I, yes. And then, and then I followed that up with a filing on September. Wait a minute, it was June 12, September 10.

29. Justice Murphy: Yes.

30. Mr. Robie: So there are three distinct matters that is in front of you, sorry. And all of them have a certificate of services attached.

31. Justice Murphy: Okay. So, Mr. Lee, I'm, I'm seeing what Mr. Robie is describing in the file. The first certificate of service, that he says that went to clerk Audrey Fleury, town council clerk, slash town clerk and town officer, town attorney, town of Windsor, 114 Benton Avenue. His date of June 12th, it was date stamped in the court, June 14th. And the last page in the file is an, is a same certificate of service that he's filed now three times. But with different dates.

32. Mr. Lee: So there's no personal service.

33. Justice Murphy: It just says certificate of service. That's correct.

34. Mr. Lee: So there's been no personal service on the town.

35. Justice Murphy: Well, I don't have the rules in front of me, but I'm going to let you gentlemen fight that out. Whether this is proper service or not. But, so, just to be clear, but notice the court sent people for today's proceeding was defective. So I'm going to send a new notice. It's a rule three notice that is going to allow you to argue whether or not the town has been properly served under rule three. And whether the court, whether it's timely and whatever you want to say, there's a 90 day rule about that. So I don't, but I don't know that personal service is mandatory in this situation. Mister Lee you might know that more, you might know that better than I do. I don't have the rule in front of me, but serving a municipality is not always the same as serving an individual, but I'll let you folks duke that out as it were. So I'm going to send you, this is a long way of saying I'm sending a new notice from the court. It's going to be a rule three notice that says you have an opportunity now to argue

whether or not service has been properly made in this case, and whether or not the court should dismiss it for failing to comply with rule three.

36. Mr. Robie: Clarification before this goes forward. All I had was what you are saying is an incorrect notice.

37. Justice Murphy: For today's proceeding. We're starting a new proceeding about service. The court has forms, Mr. Robie, that the court used to send notice when either there has been no prosecution of a claim for two years. That's rule 41B. That's what the notice you guys got for today. That was the wrong form. That was the wrong form. And so because I didn't give correct notice to either one of you, what the court believed it could act upon, I'm sending a new notice based on rule three that has to do with sufficiency of service.

38. Mr. Robie: Okay, so the conversation today that you would like to hear us each give an oral presentation on.

39. Justice Murphy: No, I don't need to hear anything. I'm telling you, you did not get notice properly, nor did Mr. Lee. So we're not doing anything. This proceeding is not going to happen today.

40. Mr. Robie: Okay.

41. Justice Murphy: So you have the right, as part of due process, so does Mr. Lee, to know what the court is doing and what the hearing is supposed to be about and what authority the court might have to set a hearing. The court has authority under Rule 41

to have a hearing, but like I thought was going to happen today, when there has been no activity in a file for two years. But that is clearly not the case.

42. Mr. Robie: Thank you.

43. Justice Murphy: The court office sent the wrong notice. So, but I, there is a basis for the court to send a new notice to both of you. Putting out the notice to both of you in this case might be just meant under a different rule, namely rule three. But there is a procedure under rule three. Once you get that notice, you folks can follow, and I'll make a decision based upon whatever you file once you get the notice.

44. Mr Robie: I appreciate that.

45. Justice Murphy: Okay. Mr. Lee, do you have any questions?

46. Mr. Lee: No, Your Honor.

47. Justice Murphy: Okay. So you're going to get a conference record that says, the notice to the parties did not properly advise them of the correct rule of civil procedure under which court may or may not have authority to act. A new notice citing rule three of the Maine Rules of Civil Procedure will be issued by the Clerk's Office. That's the only thing that's going to be in the file for whatever we did today.

48. Mr. Robie: In the interest of justice, I would plead that the fact that this was miscommunicated be integral to other actions that the court has done in matters that relate to myself and variously, the town of Winslow and the Board of Environmental Protection. There is a pattern here.

49. Justice Murphy: Mr Robie...

50. Hold on. Hold on. I don't know anything about those cases.
51. Mr. Robie: Correct.
52. Justice Murphy: You can file whatever you want once you get the notice, but today is not the day for those cases, okay?
53. Mr. Robie: Then alternatively...
54. Justice Murphy: You can certainly incorporate, you can say whatever you want when you get the notice and file whatever you want with the court, but the only case I have right now has nothing to do with anything except the Town of Winslow. That's the only matter that I'm assigned to.
55. Mr. Robie: I concur. I am just saying that in the interest of justice, this error is not outside of my experience with the court. And so in that sense, the substance of what I have before you is an answer that extends what I call Placeholder I and Placeholder II, and the incorrect notice is the document or the action by which the docket number has been assigned and the case has been named. And I have not done... That is a court action, not the action of the, in this case, petitioner or plaintiff. I just want that in the record, please.
56. Justice Murphy: Okay. I understand.
57. Justice Murphy: Once you get the notice, you can look at the rule and proceed accordingly. All right.
58. Mr. Robie: Understood. Thank you.
59. Justice Murphy: All right. Thank you both. Have a good day. Bye.

60. Mr Lee: Thank you.

December 13, 2024 Transcript:

1. Justice Murphy: [Mr. Ward's] appearance is to represent the Town for purposes of this Rule 3 Order. I did review what was filed by Mr. Robie, and I just want to make sure I understand what's being requested here.
2. Part of what he says is that he wants the court to continue this case for a year to give, as I understand it, enough time for the administrative process to play out before the town. Is that a fair reading of what you filed, Mr. Robie?
3. Mr. Robie: I can understand that. I know what you're saying. So yes, congratulations.
4. Justice Murphy: OK, and what is the Town's reaction to that?
5. Mr. Ward: Your Honor, the town is a little bit confused by the filings thus far. We're not sure what's been filed is cognizable as a legal complaint. It's characterized as a placeholder petition for review filed in June. Frankly...
6. Justice Murphy: The town could file a motion to dismiss if the case remains on the docket, but I guess I'm just trying to...
7. go ahead...
8. Mr. Ward: That's okay. The town's never been served with a summons. We've never been served with a notice of electronic service, so we're not sure we have the grounds to file anything because we're not convinced that an actual suit has been commenced. And I thought that was the purpose of the Rule 3 hearing, was to figure out why we have this filing from June, fully six months ago. A motion to extend the placeholder in September...

9. Well, there are some things in the file that suggest that Mr. Robie sent his documents, his originally filed documents to... ah...
10. Mr. Ward: Mr. Robie sends a lot of them.
11. Justice Murphy: I'm looking, to Clerk Audra Fleury.
12. Mr. Ward: Yeah, he hasn't complied with Rule 3, which is very specific about how you start a civil procedure in the state of Maine.
13. The town of Winslow receives many, many things from Mr. Robie, by email, by mail. Frankly, Your Honor, we haven't followed up on it because we've never been served with a summons. So, the Town would like to know what exactly this is. I mean, if the motion, petition, placeholder petition for review is, you know, viewed, assuming arguendo, is viewed to be some kind of legal pleading or legal complaint, and the town is compelled to reply to it, I think the first thing we would do is the motion for a more definite statement. But...
14. Justice Murphy: Hold on, hold on, hold on...
15. Mr. Ward: But at this point, the town's never been served with anything, and it's six months later.
16. Justice Murphy: Can we just cut to the chase here and try to be practical about this?
17. Mr. Ward: Sure.
18. Justice Murphy: We could make a lot, there could be a lot of filings in this case, and you could take two weeks of the court's time doing interesting legal arguments. But I guess my fundamental question is: is there anything pending currently before the town of Winslow brought by Mr. Robie about the issues that he's raising?

19. Mr. Ward: The Town of Winslow... No. As far as I know, in talking with Town Counsel Bill Lee, who I'm covering for today on the Rule 3 hearing, the position of the Town of Winslow is Mr. Robie is making some kind of contention that he was injured by a zoning change the Town of Winslow made, and he should have been entitled to notice of it. The Town of Winslow's position is he's not an abutting landowner, he's not entitled to notice, and therefore his claim, even if, considered to be a legal pleading, is without merit.
20. Justice Murphy: I'm not talking about the claim in front of the court. Is there anything going on before a town board, committee, anything like that?
21. Mr. Ward: Not that I know of, because the town's position is his complaint is without merit.
22. Justice Murphy: Well, he filed something. Did the town respond to it? He filed something with the town that's separate from what I have.
23. Mr. Ward: I don't know, Your Honor. I can't answer that question.
24. Justice Murphy: Well, how do you not know, Mr. Ward? You represent the town. I do not know that. Have you talked to your clients?
25. Mr. Ward: I have Your Honor, for the purposes of the Rule 3 hearing, I was prepared to argue Rule 3 and whether the process has been served. My clients tell me they view Mr. Robie's complaint as being without merit. There's nothing pending. There is nothing...
26. Justice Murphy: I understand, Mr. Ward. I understand that's your legal position with respect to Rule 3. I'm really just trying to get some basic information. If there is something going on percolating up through a board for the Town, it might make

sense to do nothing in the court and let the administrative process, if there is one, play out. And I've got to believe that you have ways to find out if there is any such thing going on before the town.

27. And, Mr. Robie, what is your position? Have you been communicating with a board, somebody from the town office, about your property dispute or your concerns about how the zoning went down?

28. Mr. Robie: The short answer is, from my perspective, absolutely. But the details of that are part of the reason why I suggest that a continuance is the best way to respect the court's time.

29. Justice Murphy: I'm not going to continue a case if the case needs to be started over. And..

30. Mr. Robie: Okay. And then, then...

31. Justice Murphy: Just so you know, I have very limited jurisdiction over appeals. If there are things going on within a town or within a state agency, the Superior Court has very limited authority to do anything about those.

32. Mr. Robie: The... the...

33. Justice Murphy: Hold on. Let me finish.

34. The court must wait until the administrative dispute is resolved, either for or against someone in your position. I'm not allowed to start meddling in administrative processes ongoing between a citizen and the town or a citizen and a state agency. So if there is still something going on, you sort of need to exhaust that before you can come to court.

35. Mr. Robie: Ahaah

36. Justice Murphy: So I'm not going to continue a case for a year and keep it on my docket for a year. If you, if you still have the ability to do something before the town and if you don't like the way it ends up in the town, you could file another lawsuit...
37. Mr. Robie: Understood.
38. Justice Murphy: in the Superior Court.
39. Mr. Robie: Understood.
40. There is, under our MAPA, the exception relative to inaction by an agency, which this would qualify as, but it would be exceptional, as you note. In addition, what this initiated with was very narrow, and as far as I can read, MSR... Title 30-A, 4352, Section 10, the town doesn't even have a say in this. This is between you and myself in terms of whether they did Notice. They can file whether or not they did notify everybody in the district and every lot adjoining the district, which is different...
41. Justice Murphy: Wait, hold on, Mr. Robie. I beg to differ. The town does have a say in this.
42. Mr. Robie; ..oh...
43. Justice Murphy: If the case remains in court, in my court, you will have a say, the town will have a say, and I will decide ...if the case remains.
44. Mr. Robie: The, the, the...
45. Justice Murphy: They absolutely, under the law, have the right to be heard, as do you.
46. Mr. Robie: In general, I would concur. Here's the stickler for me. You have, in your motion for dismissal, that's a court motion under Rule 3, is with prejudice. And that

section of law I just quoted says that nothing in the statute prevents me from refileing.

So, the framing for the dismissal...

47. Justice Murphy: Well, I could dismiss without prejudice, and then you could refile. I could do that, that happens, that does happen.

48. Mr. Robie: Okay.

49. The second one is because of toll and the specific matter that is before the court, which was the failure to do notice, and

50. Justice Murphy: From the town,

51. Mr. Robie: ...from the town.

52. Justice Murphy: ...from the town, the Town failed to give proper Notice, OK, I understand.

53. Mr. Robie: ...and this includes a filed map with the ordinance and an adopting comprehensive plan, neither of which exist. So, there is no way in the three categories for which notice is stipulated in law that Winslow has done that. What Mr. Ward has stated, is what practiced in [Winslow], they did notify the immediate abutters, but for a zoning map change, as this notice is about, appeal of Notice, that is a zoning district-wide notice, and they have failed to do that.

54. Justice Murphy: OK..

55. Mr. Robie: Now, that is pending, that is pending before you now...

56. Justice Murphy: Before who, whom... because they will not

57. Wait, wait, wait, Mr. Robie, you say still pending, and I'm sorry to interrupt, but where is that pending, other than what you have filed at the Superior Court?

58. Mr. Robie: Oh, that the only...

59. Mr. Robie: No, they have... I started the process that I talked about in Placeholder I of filing an appeal before our Board of Appeals, sitting in its traditional role. That filing was treated to silence. It was returned to me by a CEO who has no authority to do so. So, that item just got put into a legal circular file from which there's no extracting it.

60. But that's, again, that I can do ...with a continue... with a.. if you allow me to have this thing with prejudice. But what I may not do is come back with a re-filing because I only have 30 days to do what I did, which I did, and if this gets dismissed, that toll is as Mr. Ward states, it's a long time ago now.

61. And, just for the record...

62. Justice Murphy: So do you think your properly served the Town, let's go back to that issue.

63. Mr. Robie: The law is very clear that certified mail is all that is required. You can do it in person, you can... but the argument last, in November was that I hadn't served the town lawyer. Well I don't see any open law, open meeting determination by the town...

64. Justice Murphy: Can you tell me what date you filed, you sent, this petition by certified mail to the Town, and to whom you sent it? I'm looking at something ...

65. Mr. Robie: The first was, the first was...

66. Justice Murphy: something dated September 9, 2024 that's sent to...

67. Mr. Robie: I think it ...was June 12th.

68. Justice Murphy: a certificate of service... 9/10/24 ... that's sent from 95 Mineral Springs Road in Highland Mills, New York. I have a document in the court file that

says that you served a true and correct copy of the motion to extend Placeholder Petition to Review with exhibits were duly served by depositing the same with exhibits in the US mail, by certified mail return receipt requested to Clerk Audra Flurry, Town Council Clerk, Town Officer, Town Attorney Town of Winslow. Is that what you're relying upon for service?

69. Mr. Robie: That's the second one. The first one is June 12th.

70. Justice Murphy: You told us that there is another one, hold on, your right. I remember digging through...

71. Mr. Robie: It's a lot. This is part of my problem. It ends up getting backed up and then nobody can understand it.

72. Justice Murphy: Hold on. Let me just read. I know there is something else we talked about last... There is something on June 12th, 24. Re: placeholder petitions for review, zoning ordinance, etc., Town of Winslow. By this service I certify that a true and correct copy of the placeholder petition to review and the certificate of service were duly served upon the following by depositing the same in the US mail by certified mail return receipt request postage pre-paid to Clerk Audra Flurry, Town Council Clerk, Town Officer, Attorney Town of Winslow 114 Benton Ave. So that's what you're relying upon for service?

73. Mr. Robie: That's the first service, yes.

74. Justice Murphy: All right. So, Mr. Ward,

75. Mr. Ward: Yes Mame.

76. Justice Murphy: what is your position on that?

77. Mr. Ward: Two things, Your Honor. We would disagree with the fact that it was duly served. And our position is Rule 3 and 4, especially Rule 4, sub 5, where the details tell you to make service upon a town. And it says service upon a town, even if it is a legal complaint, by delivering a copy of the summons complaint, notice regarding electronic service to the clerk or upon one of the selectmen or assessors, mailing certified mail doesn't do that ...and frankly, this was viewed as another one of Mr. Robie's voluminous mails to the town.

78. Justice Murphy: Well I understand, well I... go ahead...

79. Mr. Ward: I may be able to make this simple on all of us. We do not object to a dismissal without prejudice under rule 3 and allowing Mr. Robie to, perhaps retain counsel? And refile this in the proper form with the proper service. It might make life easier on everyone. If Mr. Robie's hang up is that he doesn't want a dismissal with prejudice, we don't object to without prejudice.

80. Justice Murphy: If this is properly, if this is truly a rule 80b position, and we get lots of, you know, 80c and 80bs filed by people who are underrepresented, and sometimes they don't call the filing, but the world might call the filing, but they are treated as rule 80Bs or 80Cs, and that there are jurisdictional deadlines for filing something with the court.

81. Mr. Ward: I read it Your Honor that I have a hard time making an 80B or an 80C out of the so called pleadings. I, I, I don't know.

82. Justice Murphy: Okay, well, I don't, I'm concerned that if, I don't want to create sort of a trap here for anybody. If, for example, I say, yeah, it can be dismissed without

prejudice, and then the town could then take the position, oh, this is really an 80B and you have no jurisdiction. And then I just want... I want...

83. This is an unusually postured case.

84. But if there is... If there was... If it was an 80B, Mr. Ward, do you agree that they could do that by certified mail? If it's not a complaint.

85. Mr. Ward: If Your Honor would give me a minute to look at it 80b?

86. Justice Murphy: Sure. Okay.

87. ...and then would we have to look at the jurisdictional deadlines?

88. Mr. Ward: Uh-huh.

89. Justice Murphy: You know, from June 24 back to whenever there was a decision from the town, whatever it was, a decision to not decide, whether it was a decision to send him a letter or just deny it, verbally, in writing, whatever.

90. Mr. Robie: Well, I can help on that if it's helpful.

91. Justice Murphy: Okay, hang on a second,

92. Mr. Ward: ...

93. Rule 80B, first paragraph still says the complaint summons shall be served from the agency of all parties in accordance with the provisions of Rule 4.

94. Justice Murphy: And you're saying the town has to be served in hand?

95. Mr. Ward: Your Honor, I'm reading Rule 4B, and..

96. Justice Murphy: Hold on a second...

97. Mr. Ward: Lets see Rule 4, sub b, sub, oh excuse me, Rule 4, sub

98. Justice Murphy: C?

99. Mr. Ward: C, service, sub 5, service upon a town.

100.Justice Murphy: ...

101....on a town by delivering a copy of the of the summons, complaint and notice regarding electronic service to the clerk or one of the ...selectmen or assessors – copy of the summons, complaint and notice ...

102.Mr, Ward: Yes Mame.

103.Justice Murphy: ...

104.All right, so this is what, I'm going to keep this case on the docket for purposes of allowing the Town to file a motion regarding the adequacy of service under these circumstances. Something was filed.

105.Mr Ward: Yup.

106.Justice Murphy: But I think the Town needs to be prepared to say whether or not, umm, there was proper service under the Rules either as a complaint or if its more property styled, or viewed, as a review of a municipal action under Rule 80b.

107.Mr. Robie: Your Honor?

108.Justice Murphy: Yep?

109.Mr. Robie: Umm, the statute under which I filed, umm, does not, umm, state that...

110.Justice Murphy: What statute are you talking about?

111.Mr. Robie: Good question. Umm, 30-A section 4352, subsection 10, last paragraph. Well, actually all of 10, but it just states that if I am to file something, which I did, and I did this just so that you can fully understand this, the, umm, agenda had a reconsideration...

112.Justice Murphy: No, no, no, no, no. Nope, okay. I don't want to talk about the merits. Just tell me what you think you filed...

113.Mr. Robie: Thank you.

114.Justice Murphy: ...under what statute.

115.Mr. Robie: Under that last paragraph I...

116.Justice Murphy: State administrative procedures act?

117.Mr. Robie: No.

118.Justice Murphy: What's it called?

119.Mr. Robie: Title 30-A is...

120.Justice Murphy: Yeah?

121.Mr. Robie: Umm, hang on. Umm, 30-A is Municipalities and Counties. This is Planning and Land Use Regulations, Chapter 187, Subchapter 3, Section 4352, Subsection 10. I have 30 days. Period. And if...

122.Justice Murphy: 30 days to file something after what?

123.Mr. Robie: After ...there's this... To ask, ask the superior court to determine, based on that section of law, whether I am timely and have standing and a determination – had it remained there.

124.Justice Murphy: And what does it say? Does it say anything about services and debts that you're looking at? I don't have that pulled up in front of me, so I'm asking, but I'm asking you now.

125.Mr. Robie: Yeah, I'm just, just... No, that's the point. It's not a, it's not a Rule 80B.

126.Justice Murphy: Okay.

127.Mr. Robie: That's specified other places. Because it says in the last sentence, nothing in this subsection alters the right of a person to challenge the validity of any ordinance based on the failure of the municipality to provide notice as required in

paragraph A and subsection 9. So there is two stipulations by which I may file an additional thing, which would be an 80b, but that's not what has started this motion. It got messed up with the court's, uh, clerk's office establishing a case and triggering the Rule 20-Day Rule in which I have to file actual motions. And I did not...

128.Justice Murphy: No, no, no, no, no, no, no, no, no. That Rule 41b notice that went out is defective. That is not going to have any meaning here.

129.Mr. Robie: It does have,

130.Justice Murphy: Hold on.

131.Mr. Robie: ...it does have this...

132.Justice Murphy: Hold on.

133.Mr. Robie: Your Honor.

134.Justice Murphy: The only thing that matters, Mr. Robie, is did you file an action appropriately such that I have jurisdiction to do anything, and whether you properly made service? Not with how the clerk's office screwed it up.

135.Mr. Robie (laughing): I love this.

136.Justice Murphy: Not how they misinterpreted the notice that should have gone out.

The notices that should have gone out, they don't believe, ...the clerk was instructed by the head clerk to just send out this because we did not get a typical summons filed under Rule 3. So that's what, that's why we're on the phone today.

137.Mr. Robie: Now, now, just...

138.Justice Murphy: You did file the question. Now, hold on. We're not going to resolve this whole thing today. I'm keeping it on the docket. But you're going to have to be prepared not to talk about 41B. Don't waste your time.

139.Mr. Robie: I'm not talking about 41B...

140.Justice Murphy: Hold on.

141.Mr. Robie: Your Honor.

142.Justice Murphy: No, stop interrupting me.

143.Mr. Robie: Sorry.

144.Justice Murphy: Don't waste my time talking about Rule 41B. The question is did you file this such that I have jurisdiction to do anything? Did you file it properly or not.

145.And did you serve the town appropriately? Okay? Those are the two issues. Now, I'm going to put the onus on the town to file a motion stating their position, and you're going to respond to it. Do not file anything, Mr. Robie, until the town files what they're going to file.

146.Mr. Robie: I understand. I understand that part of the process. May I add one more thing?

147.Justice Murphy: Yes.

148.Mr. Robie: Okay. I have not filed the court did. The fact that I have a case number and it has a name is not an action that I initiated because I did not get a determination on either my June 12th filing or my September 10th filing. And it wasn't until you opened up the packet on November 5th, with the October 31st's, and that wasn't even in open court. We did not start the proceedings.

149.Mr. Robie: So, I have a case that I did not create that I now have to . . .

150.Justice Murphy: Mr. Robie, I'm sorry. You're not correct about that. And I would agree with Mr. Ward. It would be really, really helpful for you if you could talk to an

attorney because you are going to be walking into a buzzsaw if you keep just making arguments that have absolutely no merit. I'm trying to be fair to you and to the town.

151. I'm keeping this case on the docket, but this case was not initiated by the court. It was initiated by you, Mr. Robie. That's how court cases start. Courts don't start cases. Parties do. Agencies do. Towns do. The state does. The court can't start a lawsuit. You started this lawsuit. You have an obligation to make sure you did it timely such that the court even has jurisdiction to take any action at all. And you also have an obligation to serve the town appropriately. That's all we're talking about is what happened back in June.

152. Mr. Robie: If the town answers to June, then we're fine.

153. Justice Murphy: Okay. So, the town, I'm going to write something up. Mr. Ward, are you still with us here?

154. Mr. Ward: I am, Your Honor. Thank you.

155. Justice Murphy: I'm going to write something up that says you have the obligation to file a motion to dismiss, and then you need to get that to Mr. Robie. Put the 21-day language, Mr. Ward, on your motion so he knows when his deadline is to respond. And they're only tailored to the issue of whether or not he has filed something over which the court has jurisdiction. And, you know, given the way we accept filings, Mr. Ward, we accept all kinds of things from people who do not have lawyers. And we are supposed to bend over backwards, and I do, to accept those filings and try to construe it as a legal document such that the courthouse is open to people who do not have attorneys. So...

156.Mr. Ward: As, as...

157.Justice Murphy: Ah, alright, great... if you file something that's a complaint, if you file something that's a petition, an appeal, some kind of municipal action, you can make your arguments accordingly. As I understand it, you say the service requirements are the same. You can deal with that in your motion. Mr. Robie will be heard, and then I will decide if I have jurisdiction, and I will decide if the service is proper.

158.Mr. Ward: Your Honor, not to be obtuse, you're holding the tTown of Winslow as a proper party to file a motion to dismiss in this case, even though the town has not been served for the summons?

159.Justice Murphy: Well, I am saying that you – yes, I am saying if you – you need to file a motion to dismiss based on inadequate service or lack of jurisdiction.

160.Mr. Ward: Okay.

161.Justice Murphy: Otherwise, the court could just say, well, I disagree with the town based upon – but the problem is this has not been well argued. I mean, first of all, the court played a role here, and the clerk's office really screwed up the notice and sidetracked this case for three or four months, which is the fault of the court. So I want to dial everything back to the beginning of the case. You've entered an appearance to deal with the Rule 3 issue.

162.Mr. Ward: Correct. So this is a motion to dismiss under Rule 3 or a motion to say we don't think it should be on the docket.

163.Justice Murphy: All you do is file an appearance.

164.Mr. Ward: Right.

165.Justice Murphy: I think at this point you need to file a motion saying it should not be on the docket because, you know, the court doesn't have jurisdiction or it wasn't properly served. Mr. Robie will then be able to say the court does have jurisdiction. I did have jurisdiction. It was timely filed, such as the court's jurisdiction, and he did serve the town appropriately. And then I will decide. But I wanted to be clear so it's fair to both sides.

166.Mr. Ward: Okay. Understood, Your Honor. I'd like to just say one more thing. I am actually retiring from the active practice of law this week.

167.Justice Murphy: Oh. Congratulations.

168.Mr. Ward: Thank you. December 20th is my last day.

169.Justice Murphy: Oh, it is.

170.Mr. Ward: So I entered the appearance limited to today only, so this will likely be briefed in motion by Bill Lee.

171.Justice Murphy: Okay. So he is semi-retired from what I hear.

172.Mr. Ward: Yeah, but he's, he's still doing municipal work.

173.Justice Murphy: Yeah. Okay.

174.Mr. Ward: With that understanding, with the holidays and New Year coming up, would it be appropriate to ask for 45 days to file that?

175.Justice Murphy: I will give you until January. What's the first Friday in January?

176.Mr. Ward: Lets take a look...

177.Mr. Robie: Your Honor. Your Honor.

178.Mr. Ward: ...its two days after New Year.

179.Mr. Robie: Your Honor.

180.Justice Murphy: Yeah, Mr. Robie. What?

181.Mr. Robie: There will be a new council whose first meeting will be, I think it's January 15th. It would be great in terms of supporting local stuff to give the new town council a chance to...

182.Justice Murphy: Who's that going to be?

183.Mr. Robie: ..it's, the majority is going to shift. And we also are losing...

184.Justice Murphy: Oh, oh the town council is the new elected town council.

185.Mr. Robie: That..that...

186.Mr. Ward: The council will not be a counsel

187.Justice Murphy: ...cil not sel.

188.Mr. Ward: Yeah

189.Justice Murphy: Got it.

190.Mr Ward: Yup.

191.Justice Murphy: Okay.

192.Mr. Robie: There's one new councilor, but it shifts the majority. We've been short one since late summer. And we're getting a new town manager February 5th. And the current town manager is integral to what has gone on since December of last year.

193.Mr. Ward: Your Honor, we don't object to extending the motion deadline past January 15th if Mr. Robie desires it.

194.Justice Murphy: What day in the week is January 15th? Who has a calendar open?

195.Mr. Ward: That's a Wednesday. Okay. So January 17th is the deadline, Mr. Ward, for the town to file the motion.

196.Mr. Ward: Very good.

197.Justice Murphy: Okay. So, you're going to get this handwritten conference record notice here that tells you that I'm going to expect the filing from the town no later than January 17th, 2025. And, as I said, please include the 21-day notice on that, Mr. Ward, so that Mr. Robie knows what his deadline is. And then the Court will rule on that motion. So it's back on the docket for that purpose only, this case.

198.Mr Ward: Okay. Thank you, Your Honor.

199.Justice Murphy: All right. Thank you, gentlemen, for calling in.

200.Mr. Robie: Thank you.

201.Justice Murphy: And I will await the filing. And have a good holiday season.

202.Mr. Robie: You're welcome. My wife just headed out the door to teach her yoga class, so I appreciate your bending backwards.

203.Justice Murphy: You're welcome. All right. Have a good day.

204.Mr. Robie: Bye-bye.

205.Mr. Ward: Bye.

Greg Robie
Winslow, ME; Highland Mills NY
LD 68

My intent is to place into the custody of a secure State server transcripts as described in the attached file. I also wish to associate them with 131st Legislature testimony linked here:

<https://legislature.maine.gov/committee/getTestimonyDoc.asp?id=10014514>

...and the substance of which, remains a matter for further consideration: clarifying the distinction between taxation law tax lots, and property and land use law lots, parcels and tracts, etc., and from which tax lots derive their relevance under 36 MRS §701-A.

The relevance of this distinction, and an order of standing under various titles of law, is due to un-redressed abuses of Constitutional rights that exist under land use and property law. Such can, and is (at least in Winslow), denied under taxation law. With the privilege of an Assessor' presumptive in play, this is egregiously practiced prejudice and injury in the referenced case and its related issues. Consider: a tax map, explicitly noted on the Assessor's webpages and their content, to ONLY be of utility under taxation matters, is documented in an exhibit certified by the Town Clerk and filed before the Court is both incorrect AND stated to be germane to "planning and informational" purposes concerning a land use law matter.

The Taxation Committee might want to take note of this and consider amending legislation. Thx! =)