

STATE OF MAINE

YORK, ss.

BIDDEFORD DISTRICT COURT
CIVIL ACTION
DOCKET NO. BID-CV-04-057

228-708-4700-36

TOWN OF KENNEBUNKPORT and
BRIAN SHAW, as Code Enforcement
Officer of the Town of Kennebunkport,

Plaintiffs

DONALD L. GARBRECHT
LAW LIBRARY

DEC 08 2006

v.

ORDER

THOMAS F. McCARTHY, as
Trustee of the Valeska Family
Trust and JEAN BOUCHER,

Defendants

Following review of the pleadings, but without hearing, the Town's Bill of Costs in the sum of \$228.92 is approved and that sum is awarded to the Town. The Town's Request for Prejudgment and Post Judgment Interest is granted in part and denied in part. Prejudgment interest is waived by the court. 14 M.R.S.A. §1602(1)(B). This case does not involve a claim for compensatory damages, but rather a request for a monetary sanction. Prejudgment interest is a form of compensatory damages. *Moholland v. Empire Fire & Marine Ins. Co.*, 2000 ME 26, 746 A.2d 362 (Me. 2000). As noted earlier, the evidence did not reveal significant environmental damages. The monetary damages are sanctions imposed principally as a penalty and a deterrent, and do not become obligations until judgment is rendered. The Town is awarded post judgment interest in the sum of \$14.90 per day beginning on September 26, 2006. These awards are made over objection.

Dated: November 16, 2006
MELISSA HEWEY, ESQ. - PLAINTIFF
ROBERT NADEAU, ESQ. - DEFENDANT
SEAN T. MCCARTHY, ESQ. PRO HAC VICE - DEFENDANT
JEAN BOUCHER - DEFENDANT - pro se



G. Arthur Brennan
Justice, Superior Court