

STATE OF MAINE

BUSINESS AND CONSUMER COURT

Cumberland, ss.

DONALD PETRIN, et al.

Plaintiffs-Appellants

v.

THE TOWN OF SCARBOROUGH

Docket No. BCD-AP-14-03

Defendant-Appellee

ORDER OF REMAND

In compliance with the mandate in *Petrin v. Town of Scarborough*, 2016 ME 136, ___ A.3d ___, 2016 Me. LEXIS 147, it is hereby ORDERED AS FOLLOWS: This matter is hereby remanded to the Town of Scarborough Board of Assessment Review for further proceedings consistent with the Supreme Judicial Court of Maine's opinion, including a determination of the appropriate abatements for the Plaintiff-Appellants. *See id.* ¶45.

Because the purpose of the remand is for the Board to conduct what is essentially a new proceeding addressing issues that the Board did not address previously—the determination of appropriate abatements—this court does not retain jurisdiction. *See Penkul v. Town of Lebanon*, 2016 ME 16, ¶6 n.4, 136 A.3d 88, 90 n.4.¹

Pursuant to M.R. Civ. P. 79(a), the Clerk is hereby directed to incorporate this Order of Remand by reference in the docket.

Dated September 2, 2016



A. M. Horton, Justice

¹ Were the remand for a more limited purpose, such as for additional findings to enable meaningful judicial review, the court would have retained jurisdiction. *See Harding v. Commissioner of Marine Resources*, 510 A.2d 533, 536 (Me. 1986).