

MAINE STATE LEGISLATURE

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Sixty - Second Legislature.

HOUSE.

No. 38.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT relating to Drains and Common Sewers in
the Town of Brewer.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. It shall be the duty of the municipal
2 officers of the town of Brewer, when said town
3 has constructed and completed any public drain
4 or common sewer, to determine what lots or par-
5 cels of land are benefited by such drain or sewer,
6 and to estimate and assess upon such lots and
7 parcels of land, and against the owners thereof if
8 known, whether the same is occupied or not, such
9 sum not exceeding such benefit as they may deem
10 just and equitable, toward defraying the expenses

11 of constructing and completing such drain or sewer,
12 the whole of such assessments not to exceed three-
13 fourths of the cost of such drain or sewer, and
14 such drain or sewer shall forever thereafter be
15 maintained and kept in repair by said town. Such
16 municipal officers shall file with the clerk of said
17 town the location and description of such drain or
18 sewer, with the amount assessed upon each lot or
19 parcel of land so assessed, and the name of the
20 owner of such lots or parcels of land if known,
21 and the clerk of said town shall record the same
22 in a book kept for that purpose, and within ten
23 days after filing such notice, each person so as-
24 sessed shall be notified of such assessment by
25 having an authentic copy of said assessment, with
26 an order of notice, signed by the clerk of said
27 town, stating the time and place for a hearing
28 upon the subject matter of said assessments, given
29 to each person so assessed, or left at his usual
30 place of abode in said town; if he has no place of
31 abode in said town then such notice shall be given
32 to or left at the abode of his tenant or lessee, if he
33 has one in said town; if he has no such tenant or
34 lessee in said town, then by posting the same
35 notice in some conspicuous place in the vicinity of
36 the lot or parcel of land so assessed, at least thirty

37 days before said hearing; or such notice may be
38 given by publishing the same three weeks success-
39 ively in any newspaper published in the county
40 where said town is situated, the first publication to
41 be at least thirty days before said hearing; a re-
42 turn made upon a copy of such notice by any con-
43 stable in said town, or the production of the paper
44 containing such notice, shall be conclusive evi-
45 dence that said notice has been given, and upon
46 such hearing the municipal officers shall have
47 power to revise, increase or diminish any of such
48 assessments, and all such revisions, increase or
49 diminution, shall be in writing and recorded by
50 such clerk.

SECT. 2. Any person not satisfied with the
2 amount for which he is assessed may within ten
3 days after such hearing, by request, in writing,
4 given to such clerk, have the assessment upon his
5 lot or parcel of land determined by arbitration.
6 The municipal officers shall nominate six persons
7 who are residents of said town, two of whom se-
8 lected by the applicant, with a third resident per-
9 son selected by such applicant, may fix the sum to
10 be paid by him, and the report of such referees,
11 made to the clerk of said town and recorded by
12 him, shall be final and binding upon all parties.

13 Said reference shall be had and their report made
14 to said clerk within thirty days from the time of
15 hearing before such municipal officers named in
16 section one of this act.

SECT. 3. Any person may enter his private drain
2 into any such public drain or common sewer, while
3 the same is under construction, and before the
4 same is completed, and before the assessments are
5 made, on obtaining a permit, in writing, from the
6 selectmen, or the committee having the construc-
7 tion of the same in charge; but after the same is
8 completed and the assessments made, no person
9 shall enter his private drain into the same until he
10 has paid his assessment, and obtained a permit,
11 in writing, from the selectmen. All permits given
12 to enter any such drain or sewer shall be recorded
13 by the town clerk of said town, before the same
14 are issued.

SECT. 4. All assessments made under the pro-
2 visions of this act shall create a lien upon every
3 lot or parcel of land so assessed, and the buildings
4 upon the same, which lien shall continue one year
5 after said assessments are made; and within ten
6 days after they made, the clerk of said town shall
7 make out a list of all such assessments, the amount
8 of each assessment, and the name of the person,

9 if known, against whom the same is assessed, to
10 be by him certified; and he shall deliver the same
11 to the treasurer of said town, and if said assess-
12 ments are not paid within three months from the
13 date of said assessments, then the treasurer shall
14 proceed and sell such of said lots or parcels of
15 land upon which such assessments remain unpaid,
16 or so much thereof, at public auction, as is neces-
17 sary to pay such assessments and all costs and in-
18 cidental charges; he shall advertise and sell the
19 same in the same way and manner that real estate
20 is advertized and sold for taxes under chapter six
21 of the Revised Statutes, which sale shall be made
22 within one year from the time said assessments are
23 made; and upon such sale, the treasurer shall
24 make, execute and deliver his deed to the pur-
25 chaser thereof, which shall be good and effectual
26 to pass the title of such real estate; the sum for
27 which such sale shall be made shall be the amount
28 of the assessment and all costs and incidental
29 expenses.

SECT. 5. Any person to whom the right by law
2 belongs, may, at any time within one year from the
3 date of said sale, redeem such real estate, by pay-
4 ing to the purchaser of his assigns the sum for
5 which the same was sold, with interest thereon, at

6 the rate of twenty per cent per annum, and the
7 costs of reconveyance.

SECT. 6. If said assessments are not paid, and
2 said town does not proceed to collect said assess-
3 ments by sale of the lots or parcels of land upon
4 which said assessments are made, or does not col-
5 lect, or is in any manner delayed or defeated in
6 collecting such assessments by a sale of the real
7 estate so assessed, then the said town, in the name
8 of the inhabitants of said town, may sue for and
9 maintain an action against the parties so assessed
10 for the amount of said assessments, as for money
11 paid, laid out and expended, in any court compe-
12 tent to try the same, and in such suit may recover
13 the amount of such assessment, with twelve per
14 cent interest on the same from the date of said
15 assessment, and costs.

SECT. 7. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 28, 1885.

Reported from Committee on Legal Affairs by Mr. MAYO; ordered
printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*