

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 279.

STATE OF MAINE.

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

AN ACT additional to and amendatory of Chapter four hundred and eighty-six of the Private and Special Laws of 1889 relating to the City of Westbrook.

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

SECTION 1. Section 12 of said chapter 486 is hereby
2 amended by striking out the words "day to day" in the
3 tenth line of said section and inserting in place thereof the
4 words 'time to time,' so that said section as amended shall
5 read as follows:

'Section 12. The city council shall determine the rules
7 of its own proceedings, and be the judge of the election
8 returns and qualifications of its own members. In case of
9 the absence of the president, the city council shall choose

10 a president pro tempore, and a plurality of the votes cast
11 shall be sufficient for a choice. The vote of the city coun-
12 cil upon any question shall be taken by roll-call, when
13 the same is requested by at least three members. A
14 majority of all the members of the city council shall con-
15 stitute a quorum, but a smaller number may adjourn from
16 time to time. The city council shall, so far as not incon-
17 sistent with this act, have and exercise all the legislative
18 power of towns, and have all the powers, and be subject
19 to all the liabilities of city councils, and either branch
20 thereof under the general laws of this state. The city
21 council shall by ordinance determine the time of holding
22 its stated or regular meetings; and may, also, in like
23 manner, determine the manner of calling special meetings
24 of its members in addition to those which may be called
25 by the mayor.'

SECT. 2. Section fourteen of said chapter 486 is hereby
2 amended by the addition to the section of the following
3 words, 'The city council may order the laying out and
4 construction of sidewalks along the streets in said city,
5 and may assess upon the owners of abutting lots on streets
6 where sidewalks are built not exceeding one-half the total
7 cost of said sidewalk. Before passing any order for lay-
8 ing out or constructing any such sidewalk the city council
9 shall give notice of their intention to construct the same,
10 and in such notice appoint the time and place for a public
11 hearing in respect to the same, said notice to be printed
12 in some paper published in said city or in the county of
13 Cumberland. If after such said hearing the city council
14 shall pass an order for constructing such sidewalk, and
15 shall provide an appropriation therefor, it shall become

16 the duty of the mayor by his subordinates to construct
17 the same. As soon as such sidewalk shall have been con-
18 structed, the mayor shall notify the city council of its
19 construction and the city council shall thereupon give
20 notice in some paper published in said city or county for
21 a public hearing in respect to the assessment of said bet-
22 terments, and after said hearing the city council shall
23 assess not to exceed one-half the cost of said walk upon
24 the owners of abutting lots and other lots benefited by the
25 construction of said walk. All assessments so made shall
26 constitute a lien upon the real estate so assessed, and
27 shall be certified by the city council to the collector of
28 said city, who shall thereupon notify the owners of estates
29 assessed, but any failure to certify such assessment to the
30 collector or to serve such notice on the owners shall not
31 invalidate the assessment. Said assessment if not paid
32 before the tax bills for the annual tax next succeeding the
33 ordering of said assessment, shall be collected in the city
34 tax bill, and shall be collectable by the one provided by
35 law for the collection of taxes. The city council shall
36 have no power to abate any assessment or any part
37 thereof, except for some miscalculation or manifest error
38 in the proceedings of the city council, but any party who
39 is aggrieved by the doings of the city council may appeal
40 therefrom to either of the two terms of the supreme
41 judicial court which may be holden in the county of Cum-
42 berland, next after the service of the notice of such assess-
43 ment, so that said section as amended shall read as
44 follows :—'

‘Section 14. The city council shall, with the approval
46 of the mayor, have exclusive authority to lay out, widen

47 or otherwise alter, or discontinue any and all streets or
48 public ways in said city with or without petition therefor,
49 and to estimate all damages sustained by the owners of
50 land taken for that purpose. A standing committee of
51 five members of the city council shall be appointed by its
52 president, whose duty it shall be to lay out, alter, widen
53 or discontinue any street or way in said city, first giving
54 notice of the time and place of their proceedings to all
55 parties interested, as now required by law in the case of
56 town ways. The committee shall first hear all parties in-
57 terested, and then determine and adjudge whether the pub-
58 lic convenience requires such street or way to be laid out,
59 altered, or discontinued, and shall make a written return of
60 their proceedings, signed by a majority of them, containing
61 the bounds and description of the street or way, if laid out
62 or altered, and the names of the owners of the land taken,
63 when known, and the damages allowed therefor; the
64 return shall be filed in the city clerk's office, at least seven
65 days previous to its acceptance by the city council; and
66 no street or way shall be altered, established or discon-
67 tinued until the report is accepted by the city council.
68 The committee shall estimate and report the damages sus-
69 tained by the owners of lands adjoining that portion of
70 the street or way which is so discontinued; and their
71 report shall be filed with the city clerk seven days at least
72 before its acceptance. Any person aggrieved by the
73 decision or judgment of the city council in establishing,
74 altering or discontinuing any streets or ways in said city,
75 may, so far as relates to damages, appeal therefrom as in
76 the case of town ways. The city council may order the
77 laying out and construction of sidewalks along the streets

78 in said city, and may assess upon the owners of abutting
79 lots on streets where sidewalks are built not exceeding
80 one-half the total cost of said sidewalk. Before passing
81 any order for laying out or constructing any such side-
82 walk the city council shall give notice of their intention
83 to construct the same, and in such notice appoint the time
84 and place for a public hearing in respect to the same, said
85 notice to be printed in some paper published in said city
86 or in the county of Cumberland. If after such said hear-
87 ing the city council shall pass an order for constructing
88 such sidewalk, and shall provide an appropriation therefor,
89 it shall become the duty of the mayor by his subordinates to
90 construct the same. As soon as such sidewalk shall have been
91 constructed, the mayor shall notify the city council of its con-
92 struction, and the city council shall thereupon give notice
93 in some paper published in said city or county for a
94 public hearing in respect to the assessment of said better-
95 ments, and after said hearing the city council shall assess
96 not to exceed one-half the cost of said walk upon the
97 owners of abutting lots and other lots benefited by the
98 construction of said walk. All assessments so made shall
99 constitute a lien upon the real estate so assessed, and
100 shall be certified by the city council to the collector of
101 said city, who shall thereupon notify the owners of estates
102 assessed, but any failure to certify such assessment to the
103 collector or to serve such notice on the owners shall not
104 invalidate the assessment. Said assessment if not paid
105 before the tax bills for the annual tax next succeeding the
106 ordering of said assessment, shall be collected in the city
107 tax bill, and shall be collectable by the one provided by
108 law for the collection of taxes. The city council shall

109 have no power to abate any assessment or any part
110 thereof, except for some miscalculation or manifest
111 error in the proceedings of the city council, but any
112 party who is aggrieved by the doings of the city council
113 may appeal therefrom to either of the two terms of the
114 supreme judicial court which may be holden in the
115 county of Cumberland, next after the service of the
116 notice of such assessment.'

SECT. 3. Section 15 of said chapter 486 of the Public
2 Laws of 1889 relating to the city of Westbrook is hereby
3 repealed and the following section inserted in the place
4 thereof:

'Section 15. The city council may order the laying out
6 and construction of main drains and common sewers in
7 said city, and shall assess upon the owners of abutting
8 lots, and other land in the opinion of the city council ben-
9 efited thereby, such sum as they may deem equitable,
10 and said city council may establish by ordinance a uniform
11 assessment throughout the city upon the frontage and area
12 of all lots benefited by the construction of any sewer, said
13 area to be estimated to a uniform depth from the street on
14 which a sewer is constructed, said fixed and uniform
15 assessment to be determined by the estimated cost of the
16 entire system of sewers contemplated by said city, includ-
17 ing outfalls, mains, street crossings, catch basins, man
18 holes, and all other necessary appurtenances of said sewers
19 and not to exceed two-thirds part of the total cost of said
20 system levied upon all lands which will be benefited by
21 said system. Before passing any order for laying out or
22 constructing any such drain or sewer said city council
23 shall give notice of their intention to construct

24 the same, and in said notice appoint the time and
25 place for a public hearing in respect to the same, said
26 notice to be printed in some newspaper published in
27 said city or in the county of Cumberland. If after
28 said hearing the city council shall pass an order for
29 constructing such drain or sewer, and shall provide an
30 appropriation therefor, it shall thereupon become the duty
31 of the mayor through his subordinates, and under the
32 direction of the city engineer to construct the same. As
33 soon as the said drain or sewer shall have been constructed,
34 or any definite part thereof, the city engineer shall notify
35 the city council of its construction, and the city council
36 shall thereupon give public notice in some paper published
37 in said city or county for a public hearing in respect to the
38 assessment of betterments, and after said hearing the city
39 council shall assess as hereinbefore provided upon the
40 owners of all land whether directly abutting upon the line
41 of said drain or sewer or not, which in their opinion are
42 benefited by the construction of said sewer.

All assessments so made shall constitute a lien upon the
44 real estate as assessed, and shall be certified by the city
45 council to the collector of said city, who shall thereupon
46 notify the owners of the estates assessed, but any failure
47 to certify such assessment to the collector or to serve such
48 notice on the owners shall not invalidate the assessment.
49 Said assessment, if not paid before the tax bills for the
50 annual tax next succeeding the ordering of the assess-
51 ment, shall be collected in the city tax bill, and shall be
52 collectable by the one provided by law for the collection
53 of taxes. The city council shall have no power to abate
54 such assessment or any part thereof, excepting for some

55 miscalculation or manifest error in the proceedings of the
56 said city council or the city engineer but any party who
57 is aggrieved by the doings of the city council may appeal
58 therefrom to either of the two terms of the supreme judi-
59 cial court which may be holden in the county of Cumber-
60 land, next after the service of the notice of such assess-
61 ment.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 5, 1895. }

Reported by Mr. HILL of Portland, from Committee on Legal Affairs,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*