

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 48

In Senate, Jan. 27, 1911.

Introduced in House Jan. 26, 1911 by Mr. Andrews of Norway and on motion by Mr. Stearns of Oxford laid on table for printing pending reference.

W. C. HANSON, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT additional to Chapter 406 of the Private and Special Laws of 1850, entitled "An Act creating the Norway Village Corporation," as amended by Chapter 451 of the Private and Special Laws of 1851, Chapter 314 of the Private and Special Laws of 1870, Chapter 185 of the Private and Special Laws of 1875, Chapter 309 of the Private and Special Laws of 1901, Chapter 214 of the Private and Special Laws of 1905, relating to a public sewer for said corporation.

Be it enacted by the People of the State of Maine, as follows:

Section 1. It shall be the duty of the assessors of the
2 Norway Village Corporation, when said corporation has
3 constructed and completed any public drain or common

4 sewer, to determine what lots or parcels of land are bene-
5 fited by such drain or sewer, and to estimate and assess
6 upon such lots and parcels of land, and against the owner
7 thereof, or person in possession, or against whom the taxes
8 thereon shall be assessed, whether said person to whom the
9 assessment is so made shall be the owner, tenant, lessee or
10 agent, and whether the same is occupied or not, such sum
11 not exceeding such benefit as they may deem just and
12 equitable towards defraying the expenses of constructing
13 and completing such drain or sewer, the whole of such
14 assessments not to exceed three-fourths of the cost of such
15 drain or sewer, and such drain or sewer shall forever there-
16 after be maintained and kept in repair by said Village Cor-
17 poration. Said Corporation assessors shall file with the
18 clerk of said Village Corporation the location of such drain
19 or sewer, with a profile description of the same, with the
20 amount assessed upon each lot or parcel of land so assessed,
21 and the name of the owner of such lots or parcels of land
22 or person against whom said assessment shall be made, and
23 the clerk of said Village Corporation shall record the same
24 in a book kept for that purpose, and within ten days after
25 filing such notice, each person so assessed shall be notified
26 of such assessment by having an authentic copy of said
27 assessment, with an order of notice signed by the clerk of
28 said Village Corporation, stating the time and place for a
29 hearing upon the subject matter of said assessments, given
30 to each person so assessed or left at his usual place of abode

31 in said village; if he has no place of abode in said village,
32 then such notice shall be given or left at the abode of his
33 tenant or lessee, if he has one in said village; if he has no
34 such tenant or lessee in said village, then by posting the
35 same notice in some conspicuous place in the vicinity of the
36 lot or parcel of land so assessed, at least thirty days before
37 said hearing, or such notice may be given by publishing the
38 same three weeks successively in any newspaper published
39 in said village, the first publication to be at least thirty days
40 before said hearing; a return made upon a copy of such
41 notice by any constable in said village, or the production of
42 the paper containing such notice, shall be conclusive evi-
43 dence that said notice has been given, and upon such hearing,
44 the corporation assessors shall have power to revise, in-
45 crease or diminish any of such assessments, and all such
46 revisions, increase or diminution shall be in writing and re-
47 corded by such clerk.

Sect. 2. Any person who is aggrieved by the doings of
2 said corporation assessors in laying out and constructing
3 said sewer, or in making said assessments, may appeal there-
4 from to the next term of the supreme judicial court which
5 shall be holden in the county of Oxford, more than thirty
6 days from and after the day when the hearing last men-
7 tioned is concluded, excluding the day of the commencement
8 of the session of said court; the appellants shall serve writ-
9 ten notice of such appeal upon the chairman of the board of
10 corporation assessors or corporation clerk, fourteen days

11 at least before the session of said court, and shall at the first
12 term file a complaint setting forth substantially the facts
13 in the case; either party shall be entitled to a trial by jury,
14 or the matter in dispute, may, if the parties so agree, be
15 decided by a committee of reference, and the court shall
16 render such judgment and decree in the premises as the
17 nature of the case may require; at the trial exceptions may
18 be taken to the ruling of the judge as in other cases.

Sect. 3. Any person may enter his private drain into any
2 such public drain or common sewer, while the same is under
3 construction and before the same is completed, and before
4 the assessments are made, on obtaining a permit in writing
5 from the corporation assessors, or the sewer board having
6 the construction of the same in charge; but the person so
7 entering shall pay the assessment as soon as the amount is
8 fixed; but after the same is completed and the assessments
9 made, no person shall enter his private drain into the same,
10 until he has paid his assessment and obtained a permit in
11 writing from the Village Corporation treasurer, by author-
12 ity of the corporation assessors. All permits given to enter
13 any such drain or sewer shall be recorded by the corpora-
14 tion clerk of said Village Corporation before the same are
15 issued.

Sect. 4. All assessments made under the provisions of this
2 act shall create a lien upon each and every lot or parcel
3 of land so assessed, and the buildings upon the same, which
4 lien shall continue one year after said assessments are made.

5 and within ten days after they are made, the clerk of said
6 Village Corporation shall make out a list of all such assess-
7 ments, the amount of each assessment, and the name of the
8 person against whom the same is assessed, to be by him
9 certified; and he shall deliver the same to the treasurer of
10 said Village Corporation, and if said assessments are not
11 paid within three months from the date of said assessments,
12 then the treasurer shall proceed and sell (at public auction)
13 such of said lots or parcels of land upon which such assess-
14 ments remain unpaid, or so much thereof, as is necessary
15 to pay such assessments and all costs and incidental charges;
16 he shall advertise and sell the same in the way and manner
17 that real estate is advertised and sold for taxes under chap-
18 ter ten of the Revised Statutes, and acts additional thereto
19 and amendatory thereof, which sale shall be made within
20 one year from the time said assessments are made; and
21 upon such sale, the treasurer shall make, execute and de-
22 liver his deed to the purchaser thereof, which shall be good
23 and effectual to pass the title of such real estate; the sum
24 for which such sale shall be made, shall be the amount of
25 the assessment and all costs and incidental expenses.

Sect. 5. Any person to whom the right by law belongs,
2 may at any time within one year from the date of said sale,
3 redeem such real estate by paying to the purchaser or his
4 assigns the sums for which the same was sold, with interest
5 thereon at the rate of twenty per cent per annum, and the
6 costs of re-conveyance.

Sect. 6. If said assessments are not paid, and said Village Corporation does not proceed to collect said assessments, by a sale of the lots or parcels of land upon which said assessments are made, or do not collect, or is in any manner delayed or defeated in collecting such assessments by a sale of the real estate so assessed, then the said Village Corporation, in the name of the said Village Corporation, may sue for and maintain any action against the party so assessed for the amount of said assessment, as for money paid, laid out and expended, in any court competent to try the same, and in such suit may recover the amount of such assessment, with twelve per cent interest on the same from the date of said assessments, together with costs.

Sect. 7. When any such assessment shall be paid by any person against whom such assessment has been made, who is not the owner of such lot or parcel of land, then the person so paying the same, shall have a lien upon such lot or parcel of land with the buildings thereon, for the amount of said assessment so paid by said person, and incidental charges, which lien may be enforced in an action of assumpsit as for money paid, laid out and expended, and by attachment in the same way and manner provided for the enforcement of liens upon buildings and lots, under sections twenty-nine to forty-five inclusive, of chapter ninety-three, Revised Statutes, which lien shall continue one year after said assessment is paid.

Sect. 8. Whenever it shall appear to the board of health
2 of the town of Norway, that any cellar or lot of land lying
3 in said village within two hundred feet of any public drain
4 or common sewer, constructed or maintained by said Vil-
5 lage Corporation, or that any private drain draining into
6 the gutter of any street, way, lane or alley or upon neigh-
7 boring property within said village, or into so-called Pen-
8 nesseewassee river or any branch or tributary thereof, is a
9 public nuisance, said board of health shall give notice there-
10 of in writing to the owner or occupant of said premises and
11 request said owner or occupant to abate said nuisance with-
12 in such reasonable time as said board of health shall direct;
13 and if said owner or occupant shall not, within the time
14 specified by the board of health, abate said nuisance, the
15 corporation assessors, or a committee chosen by them, shall
16 have the power to connect the premises with the public drain
17 or common sewer, and the property shall be liable for the
18 expense thereof in addition to the assessment fixed by said
19 corporation assessors; but the owner or person in posses-
20 sion or person against whom the taxes are assessed, shall
21 have all the rights and privileges guaranteed to him by sec-
22 tion two of this act, relating to assessments, the same as if
23 such person had connected with such public drain or com-
24 mon sewer voluntarily.

Sect. 9. For the construction or repair of any public
2 drain or common sewer, the Norway Village Corporation
3 shall have authority to enter upon any lands in said village,

4 and take the same for said purposes, and to lay said sewer
5 over, across and through said lands, when in the opinion of
6 the corporation assessors it is for public interest so to
7 do. Said corporation assessors shall within thirty days
8 after such taking, file in the registry of deeds for Oxford
9 county a description of the lands so taken and the course
10 of said drain or sewer. All damages occasioned by reason
11 of any such taking shall be determined by said corporation
12 assessors, by first giving not less than seven days written
13 notice in hand, or leaving the same at the last and usual
14 place of abode of the owner, tenant, lessee or agent, or by
15 publishing a like notice in one or more of the village papers,
16 designating the time and place of hearing, the last publi-
17 cation of which shall not be less than seven days prior to
18 the time of hearing. The corporation assessors shall, within
19 five days after such hearing, file their return with the cor-
20 poration clerk, stating the amount of damages allowed for
21 each parcel or lot of land so crossed. Any person not satis-
22 fied with the amount of his award, shall have the right to
23 appeal to the Supreme Judicial Court in which the same
24 proceedings shall be had as in case of appeal from the
25 decision of county commissioners in case of damages for
26 lands taken for highways.