

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

Chapter 184.

An Act relating to drains and sewers in the city of Portland.

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

Mayor and aldermen, authorized to lay out drains and sewers.

SECT. 1. The mayor and aldermen of the city of Portland, whenever in their judgment the public interest requires, may lay out, make, maintain and repair any public drain or common sewer in said city, and may assess upon the owners of the abutting lots and other lots benefited thereby, a proportional part of the charge of making such drain or common sewer, to be ascertained and assessed in the manner hereinafter provided.

Shall assess owners of lots, towards paying expense.

SECT. 2. When any such drain or sewer is completed, the mayor and aldermen of said city shall adjudge what parcels of land are benefited thereby, and shall estimate and assess upon such lots and parcels of land, and against the owner thereof, if known, such sum, not exceeding such benefit, as they may deem just and equitable, towards defraying the expenses of constructing and completing such drain or sewer, the whole of said assessments not to exceed two-thirds of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in repair by said city; such municipal officers shall file with the clerk of said city the location of such drain or sewer, with a profile description of the same, with the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of each lot or parcel of land, if known, and the clerk of said city shall record the same in a book kept for that purpose, and each person so assessed shall be notified of such assessment, by having an authentic copy of said assessment, with an order of notice signed by the clerk, stating a time and place for a hearing on the subject matter of said assessments, served upon him in hand, or left at his last usual place of abode in said city, seven days, at least before the date fixed for said hearing, or such notice may be given by publishing the same in one or more newspapers printed in said city, said publication to be made seven days prior to said hearing; a return made of a copy of such notice by any constable in said city, or the production of the paper containing such notice shall be conclusive evidence that said notice has been given, and upon such hearing the municipal

—location and assessments, to be recorded.

—notice of assessments, and hearing thereon, how given.

—assessments, may be revised, etc.

officers shall have power to revise, increase, or diminish any of such assessments, and all such revision, increase, or diminution shall be in writing, and recorded by such clerk.

SECT. 3. Any person who is aggrieved by the doings of said municipal officers in laying out and constructing said sewer, or in making said assessments, may appeal therefrom to the next term of the supreme judicial court which shall be holden in the county of Cumberland, more than thirty days from and after the day when the hearing last mentioned is concluded, excluding the day of the commencement of the session of said court; the applicants shall serve written notice of such appeal upon the mayor or city clerk, fourteen days at least before the session of the court, and shall at the first term file a complaint setting forth substantially the facts in the case; either party shall be entitled to a trial by jury, or the matter in dispute, may, if the parties so agree, be decided by a committee of reference, and the court shall render such judgment and decree in the premises as the nature of the case may require; at the trial exceptions may be taken to the ruling of the judge, as in other cases.

Appeals, may
be taken to S. J.
Court.

SECT. 4. Any person may enter his private drain into any such public drain or common sewer while the same is under construction and before the same is completed, and before the assessments are made, on obtaining a permit in writing from the municipal officers, or some person by them duly authorized; but after the same is completed and the assessments made, no person shall enter his private drain into the same until he has paid his assessment and obtained a permit in writing from the municipal officers or other person by them duly authorized as aforesaid. All permits given to enter any such drain or sewer shall be recorded by the city clerk of said city before the same are issued. Any person who shall, directly or indirectly, enter any such drain or common sewer without first obtaining a permit as aforesaid shall be subject to a fine not exceeding one hundred dollars.

Conditions,
upon which
private drains
may enter
public sewer.

—permits, to be
recorded.

—penalty, for
entering
without
permit.

SECT. 5. All assessments made under the provisions of this act shall create a lien upon each and every lot or parcel of land so assessed, which lien shall continue one year after said assessments are payable, and within ten days after they are made, the clerk of said city shall make out a list of all such assessments, the amount of each assessment, and the name of the person, if known, against whom the same is assessed, to

Lien on lots,
for payment of
assessments.

CHAP. 184

—how enforced.

be by him certified; and he shall deliver the same to the treasurer of said city, and if said assessments are not paid within three months from the date of said assessments, then the treasurer shall proceed and sell such of said lots or parcels of land upon which said assessments remain unpaid, or so much thereof, at public auction, as is necessary to pay such assessments, together with interest thereon after the expiration of said three months from the date of said assessments, and all costs and incidental charges, in the same way and manner that real estate is advertised and sold for taxes under chapter six of the revised statutes, which sale shall be made within one year from the time said assessments are made; and upon such sale the treasurer shall make, execute and deliver his deed to the purchaser thereof, which shall be good and effectual to pass the title to such real estate.

Lots may be redeemed.

SECT. 6. Any person to whom the right by law belongs, may at any time within one year from the date of said sale, redeem such real estate by paying to the purchaser or his assigns the sum for which the same was sold, with interest thereon at the rate of twenty per centum per annum, with costs for reconveyance.

If assessments are not paid or enforced by sales, city may maintain action.

SECT. 7. If said assessments are not paid, and said city does not proceed to collect said assessments by a sale of the lots or parcels of land upon which said assessments are made, or does 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 city in the name of the inhabitants of said city, or in the name of such city, may sue for and maintain an 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 assessment, and costs: provided, however, that if any lot, when sold in the manner before provided, shall not sell for enough to pay the amount of said assessment with interest and cost, the owner thereof shall be under no personal liability for the same.

Sec. 24, ch. 275, Private Laws of 1863, and ch. 308, Private Laws of 1873, repealed.

SECT. 8. Section twenty-four of chapter two hundred seventy-five of the private and special laws, approved March twenty-fourth, eighteen hundred sixty-three, and chapter three hundred sixty-eight of the private and special laws, approved

February twenty-sixth, eighteen hundred seventy-three, are hereby repealed. CHAP. 185

SECT. 9. This act shall take effect when approved.

Approved March 11, 1891.

Chapter 185.

An Act to amend section two of an act entitled "An Act to provide for the mode of collecting tolls and making assessments by the Mattawamkeag Log Driving Company."

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

SECT. 1. Section two of an act entitled "An Act to provide for the mode of collecting tolls and making assessments by the Mattawamkeag Log Driving Company," is amended so as to read as follows :

Sec. 2,
amended.

'SECT. 2. A toll is hereby granted to said Mattawamkeag Log Driving Company of four cents for each thousand feet of logs, board measure, boom scale, so called, which may pass over their dam and works formerly owned by the Mattawamkeag Dam Company, except logs that come out of Mattakeunk stream which last named logs shall be subject to a toll of one cent for each thousand feet by said scale, but the said log driving company each year may require less than said four cents toll for that year ; and said log driving company shall have a lien on each mark of logs for the payment of all the toll of such mark, and if the toll be not paid within ten days after the logs or a major part of them arrive at the Penobscot boom, the said company may advertise and sell so much of said lumber of any mark as may be necessary to pay the toll and expenses of said mark, the notice of such sale to be published in some newspaper in Bangor at least ten days before the sale.'

Toll, granted.

—Lien on logs,
for payment of.

SECT. 2. This act shall take effect when approved.

Approved March 11, 1891.