

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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1895.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1895.

Chapter 237.

An Act additional to and amendatory of chapter four hundred and eighty-six of the Private and Special Laws of eighteen hundred and eighty-nine, relating to the city of Westbrook.

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

SECT. 1. Section twelve of said chapter four hundred and eighty-six is hereby amended by striking out the words "day to day" in the tenth line of said section and inserting in place thereof the words 'time to time,' so that said section, as amended, shall read as follows :

Sec. 12, ch. 486,
amended.

SECT. 12. The city council shall determine the rules of its own proceedings, and be the judge of the election returns and qualifications of its members. In case of the absence of the president, the city council shall choose a president, pro tempore, and a plurality of the votes cast shall be sufficient for a choice. The vote of the city council upon any question shall be taken by roll call, when the same is requested by at least three members. A majority of all the members of the city council shall constitute a quorum, but a smaller number may adjourn from time to time. The city council shall, so far as not inconsistent with this act, have and exercise all the legislative powers of towns, and have all the powers, and be subject to all the liabilities of city councils, and either branch thereof under the general laws of this state. The city council shall by ordinance determine the time of holding its stated or regular meetings ; and may, also, in like manner, determine the manner of calling special meetings of its members in addition to those which may be called by the mayor.'

Council shall
make rules,
and be judge
of election
of its
members.

--president,
pro tem.

--quorum.

--powers and
liabilities of
council.

--may
determine
manner of
calling all
meetings.

SECT. 2. Section fourteen of said chapter four hundred eighty-six is hereby amended by the addition to the section of the following words. 'The city council may order the laying out and construction of sidewalks along the streets in said city, and may assess upon the owners of abutting lots on streets where sidewalks are built not exceeding one-half the total cost of said sidewalk. Before passing any order for laying out or constructing any such sidewalk the city council shall give notice of their intention to construct the same, and in such notice appoint the time and place for a public hearing in respect to the same, said notice to be printed in some

Sec. 14,
amended,

CHAP. 237 paper published in said city or in the county of Cumberland. If after such said hearing the city council shall pass an order for constructing such sidewalk, and shall provide an appropriation therefor, it shall become the duty of the mayor by his subordinates to construct the same. As soon as such sidewalk shall have been constructed, the mayor shall notify the city council of its construction and the city council shall thereupon give notice in some paper published in said city or county, for a public hearing in respect to the assessment of said betterments, and after said hearing the city council shall assess not to exceed one-half the cost of said walk upon the owners of abutting lots and other lots benefited by the construction of said walk. All assessments so made shall constitute a lien upon the real estate so assessed, and shall be certified by the city council to the collector of said city, who shall thereupon notify the owners of estates assessed, but any failure to certify such assessment to the collector or to serve such notice on the owners, shall not invalidate the assessment. Said assessment if not paid before the tax bills for the annual tax next succeeding the ordering of said assessment, shall be collected in the city tax bill, and shall be collectible by the one provided by law for the collection of taxes. The city council shall have no power to abate any assessment or any part thereof, except for some miscalculation or manifest error in the proceedings of the city council, but any party who is aggrieved by the doings of the city council may appeal therefrom to either of the two terms of the supreme judicial court which may be holden in the county of Cumberland, next after the service of the notice of such assessment, so that said section as amended, shall read as follows :

Council, with approval of mayor, shall have exclusive authority over streets.

A standing committee on streets, shall be appointed.

—duties.

‘SECT. 14. The city council shall, with the approval of the mayor, have exclusive authority to lay out, widen or otherwise alter, or discontinue any and all streets or public ways in said city with or without petition therefor, and to estimate all damages sustained by the owners of land taken for that purpose. A standing committee of five members of the city council shall be appointed by its president, whose duty it shall be to lay out, alter, widen or discontinue any street or way in said city, first giving notice of the time and place of their proceedings to all parties interested, as now required by law in the case of town ways. The committee shall first hear

all parties interested, and then determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued, and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and description of the street or way, if laid out or altered, and the names of the owners of the land taken, when known, and the damages allowed therefor; the return shall be filed in the city clerk's office, at least seven days previous to its acceptance by the city council; and no street or way shall be altered, established or discontinued until the report is accepted by the city council. The committee shall estimate and report the damages sustained by the owners of lands adjoining that portion of the street or way which is so discontinued; and their report shall be filed with the city clerk seven days at least before its acceptance. Any person aggrieved by the decision or judgment of the city council in establishing, altering or discontinuing any streets or ways in said city, may so far as relates to damages, appeal therefrom as in the case of town ways. The city council may order the laying out and construction of sidewalks along the streets in said city, and may assess upon the owners of abutting lots on streets where sidewalks are built, not exceeding one-half the total cost of sidewalk. Before passing any order for laying out or constructing any such sidewalk the city council shall give notice of their intention to construct the same, and in such notice appoint the time and place for a public hearing in respect to the same, said notice to be printed in some paper published in said city or in the county of Cumberland. If after such said hearing the city council shall pass an order for constructing such sidewalk, and shall provide an appropriation therefor, it shall become the duty of the mayor by his subordinates to construct the same. As soon as such sidewalk shall have been constructed, the mayor shall notify the city council of its construction, and the city council shall thereupon give notice in some paper published in said city or county for a public hearing in respect to the assessment of said betterments, and after said hearing the city council shall assess not to exceed one-half the cost of said walk upon the owners of abutting lots and other lots benefited by the construction of said walk. All assessments so made shall constitute a lien upon the real estate so assessed, and shall be certified by the city council to the collector of said city, who

—damages,
how
estimated.

—persons
aggrieved,
may appeal.

—may lay out
sidewalks.

—notice and
hearing, how
given.

—assess-
ments, for
betterments.

—shall consti-
tute lien on
real estate
assessed.

CHAP. 237

shall thereupon notify the owners of estates assessed, but any failure to certify such assessment to the collector or to serve such notice on the owners shall not invalidate the assessment. Said assessment if not paid before the tax bills for the annual tax next succeeding the ordering of said assessment, shall be collected in the city tax bill, and shall be collectible by the one provided by law for the collection of taxes. The city council shall have no power to abate any assessment or any part thereof, except for some miscalculation or manifest error in the proceedings of the city council, but any party who is aggrieved by the doings of the city council may appeal therefrom, to either of the two terms of the supreme judicial court which may be holden in the county of Cumberland, next after the service of the notice of such assessment.'

—how
collected.

Abate-
ments
shall not be
allowed, un-
less for errors.

—appeal may
be taken to
S. J. court.

Sec. 15,
amended.

SECT. 3. Section fifteen of said chapter four hundred and eighty-six of the public laws of eighteen hundred and eighty-nine, relating to the city of Westbrook, is hereby repealed, and the following section inserted in the place thereof:

May order
laying out of
main drains,
and sewers.

'SECT. 15. The city council may order the laying out and construction of main drains and common sewers in said city, and shall assess upon the owners of abutting lots, and other land in the opinion of the city council benefited thereby, such sum as they may deem equitable, and said city council may establish by ordinance a uniform assessment throughout the city upon the frontage and area of all lots benefited by the construction of any sewer, said area to be estimated to a uniform depth from the street on which the sewer is constructed, said fixed and uniform assessment to be determined by the estimated cost of the entire system of sewers contemplated by said city, including outfalls, mains, street crossings, catch basins, man holes, and all other necessary appurtenances of said sewers and not to exceed two-thirds part of the total cost of said system levied upon all lands which will be benefited by said system. Before passing any order for laying out or constructing any such drain or sewer said city council shall give notice of their intention to construct the same, and in said notice appoint the time and place for a public hearing in respect to the same, said notice to be printed in some newspaper published in said city or in the county of Cumberland. If after said hearing the city council shall pass an order for constructing such drain or sewer, and shall provide an appropriation therefor,

—shall assess
abutting
owners.

Notice and
hearing, how
given.

it shall thereupon become the duty of the mayor, through his subordinates, and under the direction of the city engineer, to construct the same. As soon as the said drain or sewer shall have been constructed, or any definite part thereof, the city engineer shall notify the city council of its construction, and the city council shall thereupon give public notice in some paper published in said city or county, for a public hearing in respect to the assessment of betterments, and after said hearing the city council shall assess as hereinbefore provided upon the owners of all land, whether directly abutting upon the line of said drain or sewer or not, which in their opinion are benefited by the construction of said sewer.

—assessment, for betterments, how made.

All assessments so made shall constitute a lien upon the real estate as assessed, and shall be certified by the city council to the collector of said city, who shall thereupon notify the owners of the estates assessed, but any failure to certify such assessment to the collector or to serve such notice on the owners shall not invalidate the assessment. Said assessment, if not paid before the tax bills for the annual tax next succeeding the ordering of the assessment, shall be collected in the city tax bill, and shall be collectible by the one provided by law for the collection of taxes. The city council shall have no power to abate such assessment or any part thereof, excepting for some miscalculation or manifest error in the proceedings of the said city council or the city engineer, but any party who is aggrieved by the doings of the city council may appeal therefrom to either of the two terms of the supreme judicial court which may be holden in the county of Cumberland, next after the service of the notice of such assessment.'

—shall constitute lien on real estate.

—how collected.

Abatements shall not be allowed, unless for errors.