

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-First
Legislature

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CHAP. 79

Chapter 79.

An Act to Authorize the City of Lewiston to Issue Its Bonds to the Amount of Eighty Thousand Dollars to Refund its Bonds Now Outstanding and Maturing in the Year Nineteen Hundred and Twenty-four.

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

Authorized to issue bonds maturing in 1924; terms and interest rate. To meet its bonds now outstanding and maturing in the year one thousand nine hundred and twenty-four, the city of Lewiston is authorized to issue bonds to an amount not exceeding eighty thousand dollars payable at a period, or periods, not exceeding sixteen years after the date thereof, and bearing interest at a rate not to exceed four and one-half per cent per annum, interest payable semi-annually. Said bonds shall be issued in serial form and shall be payable in the following manner, to wit: Five thousand dollars in one year after the date of issuance and five thousand dollars on each and every succeeding year until the entire issue is paid.

Said bonds shall be issued under the seal of the city and shall be signed by the mayor and treasurer of the city, and the coupons attached to said bonds shall have the printed or lithographed signature of the treasurer.

Approved March 27, 1923.

Chapter 80.

An Act Additional to and Amendatory of Chapter Seventy-five of the Special Laws of Eighteen Hundred and Sixty-six, as Amended by Chapter Eighteen of the Private and Special Laws of Eighteen Hundred and Seventy-eight, as Amended by Chapters One Hundred and Sixty-four and Three Hundred and Four of the Private and Special Laws of Nineteen Hundred and Five, and as Amended by Chapter Two Hundred and Thirty-six of the Private and Special Laws of Nineteen Hundred and Eleven Entitled "An Act Creating the South Paris Village Corporation," Relating to a Public Sewer for Said Corporation.

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

Sec. 1. Authorized to raise money to construct sewerage system. The South Paris Village Corporation, in addition to the powers already granted it, is hereby authorized and empowered to raise money for the construction, support and maintenance of a system of sewerage within said corporation limits, also for the purchase of any sewerage system already in existence.

Sec. 2. Assessments for benefits; plan of sewer and amount of assessments to be filed with clerk; notice and hearing on assessments. It shall be the duty of the assessors of the South Paris Village Corporation, when said corporation has constructed and completed any public drain or common sewer, to determine what lots or parcels of land are benefited by such drain or sewer, and to estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession, or against

whom the taxes thereon shall be assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, 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 such assessments not to exceed three-fourths of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in repair by said village corporation. Said corporation assessors shall file with the clerk of said village corporation 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 such lots or parcels of land or person against whom said assessment shall be made, and the clerk of said village corporation shall record the same in a book kept for that purpose, and within ten days after filing such notice, 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 of said village corporation, stating the time and place for a hearing upon the subject matter of said assessments, given to each person so assessed or left at his usual place of abode in said village; if he has no place of abode in said village, then such notice shall be given or left at the abode of his tenant or lessee, if he has one in said village; if he has no such tenant or lessee in such village then by posting the same notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least thirty days before said hearing, or such notice may be given by publishing the same three weeks successively in any newspaper published in said village, the first publication to be at least thirty days before said hearing; a return made upon a copy of such notice by any constable in said village, or the production of the paper containing such notice, shall be conclusive evidence that said notice has been given, and upon such hearing, the corporation assessors shall have power to revise, increase or diminish any of such assessments, and all such revisions, increase or diminution shall be in writing and recorded by such clerks.

Sec. 3. Right of appeal; procedure in prosecuting appeal. Any person who is aggrieved by the doings of said corporation assessors 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 Oxford, 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 appellants shall serve written notice of such appeal upon the chairman of the board of corporation assessors or corporation clerk, fourteen days at least before the

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session of said 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 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.

Sec. 4. Permits to enter sewer, how obtained; record of permits to be kept. 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 corporation assessors, or the sewer board having the construction of the same in charge; but after the same is completed and the assessments made, no person shall enter his private drain into the same, until a permit in writing is obtained from the village corporation treasurer, by authority of the corporation assessors. All permits given to enter any such drain or sewer shall be recorded by the corporation clerk of said village corporation before the same are issued.

Sec. 5. Collection of assessments; method of taxation; lien created on lots assessed. The total amount of said assessment shall be assessed in annual assessments of one-tenth part of the principal sum of said total amount of said assessment, apportioned among the lots or parcels of land determined to be benefited under section one of this act in the same proportions the assessed values of said lots or parcels of land bear to the total assessed value of the land benefited, and shall be included as a part of the annual South Paris Village Corporation tax against such lots or parcels of land in each and every year until the full amount of the said assessment is paid, with necessary interest on corporation bonds which may be issued for that purpose. And the part of said assessment so assessed shall annually create a lien on every lot or parcel or parcels of land so assessed, which lien shall be of the same character as the lien for other taxes, and shall be enforced in the same manner if not paid.

Sec. 6. Village corporation authorized to maintain suits to enforce collection of assessments. 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 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 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.

Sec. 7. Persons, not owners, paying assessments have lien on property. 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.

Sec. 8. Owners of cellars and private drains becoming public nuisance may be required to connect with sewer. Whenever it shall appear to the board of health of the town of South Paris, that any cellar or lot of land lying in said village within two hundred feet of any public drain or common sewer constructed or maintained by said village corporation, or that any private drain draining into the gutter of any street, way, land or alley or upon neighboring property within two hundred feet as above provided, in said village, is a public nuisance, said board of health shall give notice thereof in writing to the owner or occupant of said premises and request said owner or occupant to abate said nuisance within such reasonable time as said board of health shall direct; and if said owner or occupant shall not, within the time specified by the board of health, abate said nuisance, the corporation assessors, or a committee chosen by them, shall have the power to connect the premises with the public drain or common sewer, and the property shall be liable for the expense thereof in addition to the assessment fixed by said corporation assessors; but the owner or person in possession or person against whom the taxes are assessed, shall have all the rights and privileges guaranteed to him by section two of this act, relating to assessments, the same as if such person had connected with such public drain or common sewer voluntarily.

Sec. 9. Right of eminent domain conferred; procedure; assessment of damages; appeals. For the construction or repair of any public drain or common sewer, the South Paris Village Corporation shall have authority to enter upon any land in said village, and take the same for said purposes, and to lay said sewer over, across and through said lands, when in the opinion of the corporation assessors it is for public interest so to do. Said corporation assessors shall within thirty days after such taking,

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file in the registry of deeds for Oxford county a description of the lands so taken and the course of said drain or sewers. All damages occasioned by reason of any such taking shall be determined by said corporation assessors, by first giving not less than seven days written notice in hand, or leaving the same at the last and usual place of abode of the owner, tenant, lessee or agent, or by publishing a like notice in one or more of the village papers, designating the time and place of hearing, the last publication of which shall not be less than seven days prior to the time of hearing. The corporation assessors shall, within five days after such hearing, file their return with the corporation clerk, stating the amount of damages allowed for each parcel or lot of land so crossed. Any person not satisfied with the amount of his award, shall have the right to appeal to the supreme judicial court in which the same proceedings shall be had as in case of appeal from the decision of county commissioners in case of damages for lands taken for highways.

Sec. 10. Owners of lots not included in original assessment may obtain permits to connect with sewer. If at any time prior to the final payment of the last installment of said assessment, the owners of any lots or parcels of land not included in the original determination of the assessors as provided in section one of this act shall desire to connect with said sewer, and shall obtain a permit therefor as provided in section three, said lots or parcels of land may thereafter be included in the annual assessment as if they had been originally included in the lots or parcels determined to be benefited, and shall be subject to the same tax and same annual lien until the debt for said sewerage system is fully paid.

Sec. 11. Local referendum provided for. Said village corporation shall not proceed under this act until after it shall have been accepted by a majority vote of the voters present at a meeting called for that purpose.

Approved March 27, 1923.

Chapter 81.

An Act to Incorporate the Fall Brook Improvement Company.

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

Sec. 1. Corporators; name. Forrest H. Colby, Joseph A. Warren, Walter B. Nye, Herbert W. Mason, and Samuel D. Warren, their associates and assigns, are hereby incorporated under the name of Fall Brook Improvement Company, with all the powers and privileges of similar corporations.

Sec. 2. Authorized to build and maintain dams, piers and booms, etc.; may take lands; has flowage rights; damages, how assessed. Said corporation is authorized to build dams, side dams, piers and booms, and to main-