

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

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under the Revised Statutes of 1954, chapter 54. The Town of Madawaska shall have a lien on such nursing home equal to the amount of money appropriated and turned over in the aggregate by the Town of Madawaska to the said nursing home, which lien may be enforced in the same manner and with the same effect as the lien on real estate set forth in the Revised Statutes of 1954, chapter 91-A, section 89, as enacted by the public laws of 1955, chapter 399, section 1, whenever the said nursing home ceases to be a nursing home organized under said Revised Statutes of 1954, chapter 54. Such lien shall be subject to the prior payment of all claims of the United States of America, mortgage liens, notes and debentures and operating indebtedness incident to the construction, equipping and operating said nursing home.'

Effective September 16, 1961

Chapter 115

AN ACT Relating to Digging Clams in the Towns of Cushing, Friendship and Thomaston.

Emergency preamble. Whereas, acts do not become effective until 90 days after the Legislature adjourns unless enacted as emergencies; and

Whereas, the clam industry is one of the most important industries in Maine; and

Whereas, in order to prevent the depletion of one of our natural resources in certain areas of the State the following legislation is most important; and

Whereas, in the best interest of conservation the following legislation should become effective immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

P. & S. L., 1959, c. 155, § 49-A, additional. Chapter 155 of the private and special laws of 1959 is amended by adding a new section to be numbered 49-A, to read as follows:

'Sec. 49-A. Digging clams in the Towns of Cushing, Friendship and Thomaston. It shall be unlawful for any person to dig any clams within the limits of the Towns of Cushing, Friendship and Thomaston, Knox County, except a person who is a resident of or is assessed and pays a real estate tax in any of the said towns. Each town shall issue licenses to such persons and may fix the fees therefor.

The term "a resident" shall mean a person who has resided in this State for the term of at least 6 consecutive months, and in the Town of Cushing, Friend-

ship or Thomaston for at least 3 months immediately prior to the date when a claim for such residence may be made.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective April 7, 1961

Chapter 116

AN ACT Relating to Construction of Drains and Sewers in City of Portland.

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

P. & S. L., 1891, c. 184, §§ 5-7, repealed and replaced. Sections 5, 6 and 7 of chapter 184 of the private and special laws of 1891, as amended, are repealed and the following enacted in place thereof:

'Sec. 5. Liens. All assessments made under this act shall create a lien upon each and every lot or parcel of land so assessed, which lien shall continue for one year after said assessments are payable, and within 10 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 be by him certified; and he shall deliver the same to the treasurer of said city, and if said assessments are not paid within 3 months from the date of said assessments, then the treasurer shall proceed to collect said assessments, with or without interest at a rate of not more than 6% per annum as the municipal officers of said city shall determine, and with costs and incidental charges, in the manner provided for collection of taxes by enforcement of lien procedure, which lien shall be enforced not less than 8 months nor more than one year from the date said assessments are made.

Sec. 6. Redemption. Any person to whom the right by law belongs may, at any time within 18 months from the date of the filing of said lien certificate, redeem such real estate by paying to the treasurer the sum for which the lien was placed on such real estate, with or without interest at a rate of not more than 6% per annum as the municipal officers of said city shall determine, with costs of redemption. After said period, said lien mortgage shall be deemed to have been foreclosed and the right of redemption to have expired, and said mortgage shall be prima facie evidence in all courts in all proceedings by and against said city, its successors and assigns, of the title of the city to the real estate described therein and of the regularity and validity of all proceedings with reference to the acquisition of title by such lien mortgage and the foreclosure thereof.

Sec. 7. Civil action for collection. If said assessments are not paid, and said city does not proceed to collect said assessments by said lien procedure, or is in any manner delayed or defeated in completing said lien procedure, 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 a civil 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 action may recover the amount of such assessment with 6% interest on the same from the date of said assessment and costs; provided, however, that if such city should in any manner accept less than