

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

CHAP. 24.

CHAPTER 24.

OF DRAINS AND COMMON SEWERS.

- SECT. 1. Penalty for laying drains in highways, without consent of selectmen.
- 2. How made and repaired.
- 3. All, who join in a drain, must share the expense.
- 4. How the expense shall be apportioned.

- SECT. 5. Payment may be enforced, after notice.
- 6. Mode of proceeding, and liability for opening and repairing.
- 7. This chapter not to affect private contracts.

Penalty for laying drains in highways, without consent of selectmen. 1821, 121, § 1.

SECTION 1. If any person shall dig up the ground, in any highway or street in any town, for the laying or repairing any drain or common sewer, without the consent of the selectmen in writing, he shall forfeit and pay, for each offence, four dollars to the use of the town.

How made and repaired. 1821, 121, § 2.

SECT. 2. All drains and common sewers, hereafter made or repaired, in any highway or street, shall be done, substantially, with brick or stone, or such other materials, as the selectmen shall permit, and in the manner they direct.

All who join in a drain, must share the expense. 1821, 121, § 2.

SECT. 3. When any person, by consent and direction as aforesaid, shall, at his own expense, lay any common drain or sewer, for the benefit of himself and others who may see fit to join therein, every person, who shall enter his particular drain into it, or, by any other means, receive any benefit from it, shall pay the owner thereof a proportion of the expense of making it, to be ascertained and determined by the selectmen, and by them certified; saving a right of appeal to the county commissioners.

How the expense shall be apportioned. 1821, 121, § 3.

SECT. 4. The expense in opening a drain, and removing obstructions, shall be paid by all who are benefited thereby; and the same shall be apportioned and determined by the selectmen; saving an appeal as aforesaid.

Payment may be enforced, after notice. 1821, 121, § 3.

SECT. 5. Such selectmen shall notify each person of the amount, he shall be held to pay, and to whom; and if such sum shall not be paid by him in ten days, he shall be held to pay double the sum certified to him, with costs.

Mode of proceeding, and liability for opening and repairing. 1821, 121, § 3.

SECT. 6. The person having occasion to open any drain, shall notify all persons interested therein, seven days before he shall begin, by advertising in the manner the selectmen shall direct; and if the objections to proceeding, if any are made, shall be judged reasonable by the selectmen, then the objector shall not be held to pay any part of the expense; but if no objections be made within three days, or, when made, are not judged sufficient, they shall give a written permission to proceed and open the drain, and clean and repair it.

This chapter not to affect private contracts. 1821, 121, § 3.

SECT. 7. Nothing in this chapter shall affect any covenants or agreements already made, or that hereafter may be made, among the owners of such drains and common sewers, as to opening, cleaning and repairing the same.