

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAPTER 16.

DRAINS AND COMMON SEWERS.

- SEC. 1. Penalty for laying drains in highways or streets without consent of municipal officers.
2. Municipal officers authorized to construct public drains.
 3. Damages, how assessed and paid.
 4. Private drains, regulations, application for permits.
 5. Amount to be paid for permit, how adjusted.
 6. Drains heretofore constructed, how maintained and managed.
 7. Penalty for connecting private drains with public without permit.
 8. Penalty for violation of permit.
 9. Drains to be kept in repair. Penalty for neglect.
 10. Record of proceedings to be kept, and officers of town to control prosecutions.
 11. Sum for permit to be paid in sixty days. Fees of arbitrators, how determined.
 12. Private drains, how repaired, in case of neglect of owners.
 13. Penalty for willfully or carelessly injuring public drains.
 14. All, who enter a private drain, pay their proportion.
 15. To be paid in ten days after notice.
 16. Notice to be given before opened for repair.

SEC. 1. Whoever digs up the ground in a highway or street for laying or repairing any drain or common sewer without the written consent of the municipal officers, shall forfeit for each offence four dollars to the use of the town.

SEC. 2. The municipal officers of a town may construct public drains or sewers, in a substantial manner, through, along, or across any public street, highway, or town way therein, at the expense of the town, and they shall be under their direction and control.

SEC. 3. When it is necessary to provide a suitable outfall for any such drain at or near low water mark, or at any other suitable place where no injury or damage will result therefrom, it may be located and constructed for that purpose over the lands of private persons; and damages shall be assessed and paid therefor, as is provided by law for the location of town ways.

SEC. 4. Abutters upon the line of a public drain, and the owners of contiguous private drains, may enter and connect with it, on written application to the municipal officers, distinctly describing the land to which it applies, and paying therefor what they determine. They shall then give the applicants written permits so to enter, which shall be available to the owner of the land so described, his heirs and assigns, and shall run with the land without any other or subsequent charge or payment. Said officers shall establish such other regulations and conditions for entering public drains, as they deem expedient.

SEC. 5. If any person is dissatisfied with the sum he is required to pay to enter a public drain, and within ten days after notice thereof, requests in writing to have it determined by arbitration, the said officers shall nominate six persons, two of whom, selected by the applicant, with a third person, selected by himself, may fix the sum to be paid; and by paying it and the fees of the arbitrators, the applicant shall be entitled to a permit.

Penalty for laying drains in highways or streets without consent of municipal officers.

R. S., c. 24, § 1.

Municipal officers may construct public drains.

1854, c. 77, § 1.
1844, c. 94, § 2.

Damages, how assessed and paid.

1854, c. 77, § 1.

Private drains, regulations, application for permits.

1854, c. 77, § 2.

Amount to be paid for permits, how adjusted.

1854, c. 77, § 3.

CHAP. 16.

Drains heretofore constructed, how maintained and managed.

1854, c. 77, § 4.

Penalty for connecting private drains with public, without permit.

1854, c. 77, § 5.

Penalty for violation of permit.

1854, c. 77, § 5.

Drains to be kept in repair; penalty for neglect.

1854, c. 77, § 6.

Record of proceedings to be kept, and officers of towns to control prosecutions.

1854, c. 77, § 7.

Sum for permit to be paid in sixty days. Fees of arbitrators, how determined.

1854, c. 77, § 8.

Private drains, how repaired, in case of neglect of owners.

1854, c. 77, § 9.

Penalty for willfully or carelessly injuring public drains.

1854, c. 77, § 10.

SEC. 6. All drains, heretofore made at the expense of a town, shall be maintained, managed, controlled and entered the same as if made under the provisions of this chapter, subject to the rights of private persons therein.

SEC. 7. If any person connects a private drain with a public drain, or enters it by a side drain, without a permit, the municipal officers may forthwith destroy such connection; and such person shall forfeit to the use of the town, where the offence is committed, not exceeding two hundred dollars, to be recovered by indictment, or action of debt.

SEC. 8. If any person willfully or negligently violates any condition or regulation prescribed in his permit, said officers may forthwith disconnect his drain from the public drain and declare his permit forfeited; and such person, his heirs and assigns, shall not be allowed to enter it again without a new permit. Whoever by the construction or use of a private drain commits any nuisance, shall be liable therefor notwithstanding any thing herein contained.

SEC. 9. After a public drain is constructed and any person has paid for connecting with it, it shall be constantly maintained and kept in repair by the town, so as to afford sufficient and suitable flow for all drainage entitled to pass through it; but it may be altered from its former course, or other sufficient and suitable drains may be substituted therefor. If such town does not so maintain and keep it in repair, any person entitled to drainage through it, may have an action against the town for his damages thereby sustained.

SEC. 10. All proceedings of the municipal officers as aforesaid shall be at their legal meetings. A suitable record shall be made of all such permits, exhibiting the persons and lands, to which they apply. Said officers shall have the exclusive direction, on behalf of their town, of all prosecutions under this chapter.

SEC. 11. If any person, after the sum to be paid by him for a permit has been determined by arbitration, neglects to pay it within sixty days after notice thereof, with the fees of the arbitrators, he shall have no benefit of such determination, or of his permit. The municipal officers may determine the fees of the arbitrators, which shall be paid in advance, if required; and their award shall be returned by them to the town clerk, and recorded with the proceedings of said officers in establishing such drains.

SEC. 12. If a private drain in a town becomes so obstructed or out of repair as to injure any street or highway therein, and the persons using it unreasonably neglect to repair such injury, after notice by the street commissioner or highway surveyor, it shall be repaired by the town, and the expense thereof may be recovered to the use of the town in an action of the case against any one or more of the persons using such drain.

SEC. 13. If any person willfully or carelessly does an injury or causes any obstruction to such public drain or its outlet, or to any street or highway culvert leading into it, he shall be liable in an action of the case for double the amount of injury

and damages thereby caused, to the use of the town, where it is located, in addition to all other legal penalties therefor.

CHAP. 16.

SEC. 14. When a person, at his own expense, lays a common drain or sewer, all, who join or enter it, shall pay him their proportion of such expense; and the expense of opening and repairing shall be paid by all benefited, to be determined in each case by the municipal officers subject to appeal to the county commissioners.

All who enter a private drain, pay their proportion.

R. S., c. 24, § 3, 4.

SEC. 15. The municipal officers shall notify each person to whom he is to pay, and the amount; and if not paid in ten days, he shall pay double the amount with cost.

To be paid in ten days after notice.

R. S., c. 24, § 5.

SEC. 16. Before any such drain is opened for repairs, all persons interested shall have seven days notice thereof, given as the municipal officers direct; and if any one objects to it, and said officers think his objection reasonable, he shall not be liable to any expense thereof; if not reasonable, or none is made within three days, they may give written permission to proceed.

Notice given before opened for repair.

R. S., c. 24, § 6.

CHAPTER 17.

NUISANCES.

- SEC. 1. Certain nuisances described.
2. Places to be assigned for unwholesome employments.
 3. Proceedings when places so assigned become offensive.
 4. When buildings for the manufacture of gunpowder shall be deemed nuisance.
 5. Burning bricks in parts of a town prohibited by vote; nuisances.
 6. Water mills and dams on streams, and fences and buildings fronting on public ways, in certain cases, not nuisances.
 7. Punishment for nuisances, on conviction; abatement thereof.
 8. Action for damages, whether nuisances be public or private.
 9. Process for abatement of a nuisance.
 10. Warrant to be stayed, if defendant give security to discontinue the nuisance.
 11. Expenses of abatement to be defrayed from materials, if sufficient; otherwise, as in case of execution.
 12. Equity jurisdiction of supreme judicial court. Injunction may issue from court where a suit for nuisance is pending.
 13. Stationary steam engine not to be used without license.
 14. Duty of town officers on application for a license.
 15. Such engine erected without license to be deemed a nuisance.
 16. Power of town officers to remove such engine.
 17. Steam boilers to be provided with fusible safety plug.
 18. Penalty for removing such plug, or using steam boiler without such plug.
 19. Blasting rocks; notice to be given.
 20. Violation, penalty for.
 21. Notice for construction of wharves.

SEC. 1. The erection, continuance or use of any building or other place for the exercise of a trade, employment, or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals, or the public; causing or suffering any offal, filth, or noisome substance to be col-

Certain nuisances described.
37 Maine, 361.
R. S., c. 164, § 1.