

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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1867.

FORTY-SIXTH LEGISLATURE.

HOUSE.

No. 108.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

AN ACT to amend an act approved March twenty-seventh, eighteen hundred and sixty-three, entitled "an act to confer certain powers on the city of Portland."

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

SECTION 1. Section twenty-four of chapter two hundred and twenty-five of the special laws of eighteen hundred and sixty-three is hereby amended by striking out in the fourth and fifth lines thereof the words "and who shall enter the same directly or indirectly," so that the said section as amended shall read as follows, viz :

8 *Sect. 24.* The mayor and aldermen of said city may

9 lay out, make and maintain and repair all main drains
10 and common sewers in said city, and may assess upon
11 the owners of the abutting lots and other lots benefited
12 thereby, but not upon lots before provided with such
13 drainage and sewerage, or which will not by reason of
14 their location with reference to such sewer or drain be
15 benefited thereby, a proportional part of the charge of
16 making such main drain or common sewer-to be ascer-
17 tained and assessed by the mayor and aldermen of said
18 city, and by them certified after notice given in writ-
19 ing to the party to be charged, or by public advertise-
20 ment for seven days in two daily papers in said city,
21 but not less than a third part of the cost of such main
22 drain and common sewer shall be paid by the city, and
23 shall not be charged to the abutters. All assessments
24 so made shall constitute a lien on the real estate so
25 assessed for two years after they are laid. They shall
26 be certified by the mayor and aldermen under their
27 hands to the treasurer and collector of said city and
28 his successors with directions to collect the same
29 according to law, and may, together with the inci-
30 dental costs and expenses, be levied by sale of the
31 estate by him or them, if the assessment is not paid
32 within three months after a written demand of pay-
33 ment made by him or them either upon the person

34 assessed or upon any person occupying the estate ; such
35 sale to be conducted in like manner as sale for non-
36 payment of taxes on lands of resident owners, and with
37 a similar right of redemption. Any person who may
38 deem himself aggrieved by any such assessments, may
39 appeal to the supreme court in the same manner as is
40 herein provided for appeals for damages for laying out
41 streets, which court shall, at the first term, appoint
42 three persons who may be inhabitants of said city, to
43 settle and assess the share to be charged to such ap-
44 pellant ; they shall make a return of their doings to
45 said court, and their decision, if accepted, shall be
46 final. And in case the assessment made by the mayor
47 and aldermen shall not be reduced on such appeal, the
48 city shall recover costs. Any person who shall directly
49 or indirectly enter any such main drain or common
50 sewer without first obtaining a permit from the mayor
51 therefor, shall be subject to a fine not exceeding one
52 hundred dollars.

SECT. 2. Whenever assessments are made for any
2 main drain or common sewer under the provisions of
3 section first, or of any former acts relating thereto,
4 upon unimproved or vacant lots, no collection thereof
5 shall be enforced until the same shall have been im-
6 proved by the erection of building or buildings thereon

7 requiring drainage or by such other occupation as shall
8 require drainage, and no interest shall be chargeable
9 on such assessment until after the date of such improve-
10 ment or occupation, and the lien upon the land, the
11 provisions for sale of the same, and for appeal and the
12 proportional part to be borne by the city, contained in
13 section first of this act are hereby extended so as to
14 apply to lots embraced in this section, and the time
15 for the collection of the assessments upon the same and
16 the sale thereof shall be considered to run from the
17 date of such improvement or occupation.

SECT. 3. *And be it further enacted*, that no sewer or
2 drain shall be constructed under, and by virtue of the
3 authority conferred by this act until at least seven
4 days personal notice shall have been given to the
5 owner or owners of land abutting on the street in
6 which the same is proposed to be constructed, if said
7 owner or owners are residents of said city, of the
8 intention to construct the said sewer or drain, and of
9 the time and place when and where a hearing may be
10 had in relation thereto ; and if such owner or owners
11 are not residents in said city, notice as aforesaid may
12 be given by publication in some daily newspaper pub-
13 lished in said city for two weeks previous to said
14 hearing.

SECT. 4. All acts or parts of acts inconsistent with
2 the provisions of this act are hereby repealed.