

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 180

H. P. 157

House of Representatives, January 14, 1965

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Boissonneau of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Amend Charter of Westbrook Sewerage District.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after the Legislature adjourns, unless passed as emergency measures; and

Whereas, it is now necessary that the Westbrook Sewerage District construct several extensions to its sewer system in the City of Westbrook to furnish sewerage facilities for 2 public schools and various parcels of private property; and

Whereas, the Westbrook Sewerage District has no right or power of assessment against the property or the owners thereof which will be benefited by such extensions under the present provisions of its charter; and

Whereas, such a right and power of assessment as is just and equitable is necessary to finance and defray the costs of such extension; and

Whereas, it is imperative that action be taken at the earliest possible time to eliminate such condition; 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:

Sec. 1. P. & S. L., 1955, c. 176, § 7, repealed and replaced. Section 7 of chapter 176 of the private and special laws of 1955, as last amended by section

4 of chapter 107 of the private and special laws of 1963, is repealed and the following enacted in place thereof :

“Sec. 7. Extensions and assessments therefor. The district shall have the right to determine whether extensions to its system shall be made to furnish sewerage facilities to portions of the city not now served with such facilities, subject to the authority of the State Department of Health and Welfare, the Water Improvement Commission and the Public Utilities Commission, and it shall have the power to make assessments for the costs of such extensions and charges for entering same.

When any such extension is completed, the board of trustees shall determine what lots or parcels of land are benefited thereby and shall estimate and assess upon such lots and parcels of land and against the owner or co-owner thereof, or against whom the taxes thereon are assessed, whether persons or corporations, public, private or municipal and including the City of Westbrook, such sum not exceeding such benefit as they may deem just and equitable towards defraying the costs of constructing and completing such extensions together with their necessary appurtenances and such extensions shall thereafter be maintained and kept in repair by the district.

The trustees of said district, after making such an assessment, shall file with its treasurer a statement of the amount assessed upon each lot or parcel of land so assessed and the name of the owner thereof or party against whom said assessment has been made, who shall record same in a book kept for that purpose. Within 30 days after the date thereof, the said treasurer shall cause a true copy of said assessment to be delivered to each person or party so assessed in person or by certified mail addressed to such person or party at his last known usual place of abode and publish same 3 weeks successively in any newspaper generally circulated in the City of Westbrook.

Any person or party not satisfied with the amount for which he is assessed may, by a notice in writing delivered in person or by certified mail to the treasurer of said district or either of its trustees within 60 days of the date of said assessment, request a hearing before the board of trustees, who shall hold such a hearing within 30 days of said notice. After said hearing, the board shall have the power to revise such assessment as it may deem just and equitable in writing, which shall be recorded by the treasurer as aforesaid, and shall give written notice of its decision to such person or party. Any person or party aggrieved by the decision of the trustees may appeal to the Superior Court, within 30 days of the date thereof, in accordance with the provisions set forth by the Maine Rules of Civil Procedure for review of administrative actions.

There shall be a lien for all such assessments and entrance charges made and established under the provisions of this section on the parcel of real estate so assessed or charged under the term “charges” as set forth in section 10-A of this charter, as amended by section 2 of chapter 48 of the private and special laws of 1961, which may be enforced in accordance with the provisions as set forth therein.

When any such assessment shall be paid by any person or party against whom such assessment has been made, who is not the owner of such lot, 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 so paid as such liens are provided for by the Revised Statutes of 1964, Title 30, section 4455, as amended, which may be enforced as therein set forth.'

Sec. 2. P. & S. L., 1955, c. 176, § 10, amended. The last paragraph of section 10 of chapter 176 of the private and special laws of 1955, as last repealed and replaced by section 6 of chapter 107 of the private and special laws of 1963, is repealed as follows:

~~'At the request of the city council for said city, the trustees of the district, after proper study and inquiry, shall fix proper assessments to be made by the city.'~~

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