

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-452)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT" **A** to H.P. 960, L.D. 1185, Bill, "AN ACT to Exempt Farmland from Sewer Assessments When the Land Receives no Benefit from this Construction."

Amend the bill by striking out everything after the amending clause and inserting in its place the following:

§4451. Expense of construction

1. Estimate and assessment of costs; notice. When any town or sewer district has constructed and completed a public drain or common sewer, the municipal officers or sewer district trustees shall determine what lots or parcels of land are benefited by the drain or sewer, and shall estimate and assess upon the lots and parcels of land and against the owner thereof or person in possession, or against whom the taxes thereon are ← assessed, whether the person to whom the assessment is so made shall be the owner, tenant, lessee or agent and whether the same is occupied or not, the sum not exceeding the benefit ← they may deem just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with any sewage disposal units and appurtenances / ^{that} may be necessary, and constructed after August 13, 1947, the whole of the assessments not to exceed 1/2 the cost of the drain or sewer and sewage disposal units, and the drain or sewer shall forever thereafter be maintained and kept in repair by the town.

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The municipal officers or sewer district trustees shall file with the clerk of the town the location of the drain or sewer and sewerage disposal unit, with a profile description of the same, and a statement of the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of the lots or parcels of land or person against whom the assessment is made, and the clerk of the town and the sewer district trustees shall record the assessment in a book kept for that purpose, and within 10 days after filing notice each person so assessed shall be notified of the assessment by having an authentic copy of the assessment, with an order of notice signed by the clerk of the town or the chairman of the sewer district trustees stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at his usual place of abode in the town. If he has no place of abode in the town, then the notice shall be given or left at the abode of his tenant or lessee, if he has one in the town; if he has no tenant or lessee in the town, then by posting the notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before the hearing, or the notice may be given by publishing it 3 weeks successively in any newspaper published in the town, the first publication to be at least 30 days before the hearing. A return made upon a copy of the notice by any constable in the town or the production of the paper containing the notice shall be conclusive evidence that the notice was given, and upon the hearing the municipal officers or sewer district trustees shall have power to revise, increase or diminish any of the

assessments, and any revisions, increase or diminution shall be in writing and recorded by the clerk and the sewer district trustees.

A. For the purposes of this section only, sewer district means a quasi-municipal corporation, as defined in section 5053, established to construct and operate sewerage systems to assist in the abatement of the pollution of public streams, lakes and inland and ocean waters.

2. Exception from assessment, farmland. Farmland, as defined by Title 36, section 1102, subsection 4, is exempt from the assessment provided in subsection 1 when no benefits are derived from the common sewer or drain. The owner of the farmland shall notify the municipal officers or sewer district trustees that his property may qualify for this exception. The municipal officers or sewer district trustees shall revise the assessments against qualified farmland to exempt it from assessment. Any revision of assessment provided by this subsection shall be in writing and recorded by the clerk or sewer district trustees.

When the use of the land is changed from farmland, the owner shall within 60 days notify the municipal officers or sewer district trustees in writing of the change. The municipal officers or sewer district trustees shall assess this land in an amount equal to the assessment which would have been due but for the provisions of this subsection. The municipality or sewer district trustees shall notify the owner of the assessment due which the owner shall pay within 60 days of notice or as provided by

The municipal officers under their authority in section 4453.'

Statement of Fact

The purpose of this amendment is to refer to sewer districts and sewer district trustees with respect to assessing landowners for the installation of drains and sewers. The bill refers to municipal assessments for sewer pipes, but omits reference to sewer districts that are more prevalent than municipal sewer departments.

Reported by the Committee on Public Utilities
Reproduced and distributed under the direction of the
Clerk of the House.
5/17/79 (Filing No. H-452)