

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1185

H. P. 960

House of Representatives, March 13, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Torrey of Poland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Exempt Farmland from Sewer Assessments When the Land Receives
no Benefit from this Construction.**

Be it enacted by the People of the State of Maine, as follows:

30 MRSA § 4451 is repealed and the following enacted in its place:

§ 4451. Expense of construction

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

sewer and sewage 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 such lots or parcels of land or person against whom said assessment shall be made, and the clerk of such town shall record the same in a book kept for that purpose, and within 10 days after filing such notice, each person so assessed shall be notified of such assessment by having an authentic copy of said assessment, with an order of notice signed by the clerk of said town, stating the time and place for a hearing upon the subject matter of said assessments, given to each person so assessed or left at his usual place of abode in said town. If he has no place of abode in said town, then such notice shall be given or left at the abode of his tenant or lessee, if he has one in said town; if he has no such tenant or lessee in said town, then by posting the same notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before said hearing, or such notice may be given by publishing the same 3 weeks successively in any newspaper published in said town, the first publication to be at least 30 days before said hearing. A return made upon a copy of such notice by any constable in said town or the production of the paper containing such notice shall be conclusive evidence that said notice has been given, and upon such hearing the municipal officers shall have power to revise, increase or diminish any of such assessments, and all such revisions, increase or diminution shall be in writing and recorded by such clerk.

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 of their qualification for this exception. The municipal officers shall revise their assessments against the farmland to exempt it from assessment. Any revision of assessment provided by this subsection shall be in writing and recorded by the clerk.

When the use of land is changed from farmland the owner shall within 60 days notify the municipal officers in writing of the change. The municipal officers 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 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

This bill will exempt farmland from sewer assessments when a sewer line is on the farmland only to benefit other land owners. If the farmland is changed in use the owner will be assessed the amount that would have been due but for the exception.