

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 707

6  
7 H.P. 504

House of Representatives, February 26, 1985

8 Reference to the Committee on Utilities is suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Rolde of York.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Amend the Charter of the York Sewer  
18 District.  
19

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

22 P&SL 1951, c. 63, §§24 to 27 are enacted to read:

23 Sec. 24. Assessments. When the district has  
24 constructed and completed a common sewer, the trust-  
25 ees may, if they so determine, in order to defray a  
26 portion of the expense thereof, determine what lots  
27 or parcels of land are benefited by the sewer, and  
28 estimate and assess upon the lots and parcels of land  
29 and against the owner thereof, or person in posses-  
30 sion or against whom taxes thereon are assessed,  
31 whether the person to whom the assessment is so made  
32 shall be the owner, tenant, lessee or agent, and  
33 whether the land is occupied or not, such sum not ex-  
34 ceeding such benefit as they may deem just and equi-  
35 table towards defraying the expense of constructing  
36 and completing the sewer, together with such sewage

1 disposal units and appurtenances as may be necessary,  
2 the whole of the assessments not to exceed 1/2 of the  
3 cost of the sewer and sewage disposal units. The  
4 trustees shall file with the clerk of the district  
5 the location of the sewer and sewage disposal unit,  
6 with a profile description of the sewer and sewage  
7 disposal unit and a statement of the amount assessed  
8 upon each lot or parcel of land so assessed, a de-  
9 scription of each lot or parcel and the name of the  
10 owner of the lots or parcels of land or person  
11 against whom the assessment shall be made, and the  
12 clerk of the district shall record this information  
13 in a book kept for that purpose. Within 10 days after  
14 this filing, each person so assessed shall be noti-  
15 fied of the assessment by having an authentic copy of  
16 the assessment, with an order of notice signed by the  
17 clerk of the district, stating the time and place for  
18 a hearing upon the subject matter of the assessments,  
19 given to each person so assessed or left at the abode  
20 of his tenant or lessee if he has one in the dis-  
21 trict; if he has no such tenant or lessee in the dis-  
22 trict, then by posting the notice in some conspicuous  
23 place in the vicinity of the lot or parcel of land so  
24 assessed, at least 30 days before the hearing, or the  
25 notice may be given by publishing the notice once a  
26 week for 3 successive weeks in any newspaper of gen-  
27 eral circulation in the district, the first publica-  
28 tion to be at least 30 days before the hearing. A re-  
29 turn made upon a copy of the notice by any constable  
30 or deputy sheriff or the production of the newspaper  
31 containing the notice shall be conclusive evidence  
32 that the notice has been given, and upon the hearing  
33 the trustees shall have power to revise, increase or  
34 diminish any of the assessments and all the revi-  
35 sions, increases or diminutions shall be in writing  
36 and recorded by the clerk of the district.

37 Sec. 25. Appeal on assessment. Any person ag-  
38 grieved by the decision of the trustees, as it re-  
39 lates to any assessment for sewer construction under  
40 section 24, shall have the same rights of appeal as  
41 are provided in the case of laying out of town ways.

42 Sec. 26. Lien for unpaid assessments. All as-  
43 sements made under section 24, shall create a lien  
44 upon each and every lot or parcel of land so assessed  
45 and the buildings upon the land, which lien shall

1 take effect when the trustees file with the clerk of  
2 the district the completed assessment, and the lien  
3 shall continue for one year thereafter. Within 10  
4 days after the date of hearing on the assessment, the  
5 clerk of the district shall make out a list of all  
6 such assessments, the amount of each and the name of  
7 the person against whom the assessment is assessed,  
8 and he shall certify the list and deliver it to the  
9 treasurer of the district. If the assessments are  
10 not paid within 3 months from the date thereof, the  
11 treasurer may bring a civil action for the collection  
12 of the assessment in the name of the district against  
13 the person against whom the assessment is made and  
14 for the enforcement of the lien. The complaint in  
15 the action shall contain a statement of the assess-  
16 ment, a description of the real estate against which  
17 the assessment is made, and an allegation that a lien  
18 is claimed on the real estate to secure the payment  
19 of the assessment. If no service is made upon the  
20 defendant or it appears that any other persons are  
21 interested in the real estate, the court shall order  
22 such further notice of that action as appears proper,  
23 and shall allow the other persons to become parties  
24 thereto. If it appears upon trial of that action  
25 that the assessment was legally made against the real  
26 estate and is unpaid, and that there is an existing  
27 lien on the real estate for the payment of the as-  
28 sessment, judgment shall be rendered for the assess-  
29 ment, interest and costs of suit against the defend-  
30 ants and against the real estate upon which the as-  
31 sessment was made, and execution shall issue thereon  
32 to be enforced by sale of the estate in the manner  
33 provided for a sale on execution of real estate at-  
34 tached on original process; provided that, in making  
35 the sale, the officer shall follow the procedure in  
36 selling and conveying and there shall be the same  
37 rights of redemption as provided for municipal tax  
38 lien mortgages.

39 Sec. 27. Civil action for unpaid assessments.  
40 If assessments under section 24 are not paid and the  
41 district does not proceed to collect unpaid assess-  
42 ments by proceedings as prescribed in section 26, or  
43 does not collect or is in any manner delayed or de-  
44 feated in collecting the assessments by proceedings  
45 under section 26, the district in its name may main-  
46 tain a civil action against the party so assessed for

1 the amount of the assessment, as for money paid, laid  
2 out and expended, in any court of competent jurisdic-  
3 tion, and in that action may recover the amount of  
4 the assessment with 10% interest on the assessment  
5 from the date of the assessment and costs.

6 STATEMENT OF FACT

7 The purpose of this bill is to restore to the  
8 York Sewer District the powers of assessment to re-  
9 duce the amount of long-term debt, common to other  
10 sewer districts and to all sanitary districts created  
11 under the general law, which powers were inadvertent-  
12 ly repealed in 1955.

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