

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document

NO. 54
6

7 H.P. 51 House of Representatives, January 26, 1987
8 Reference to the Committee on State and Local Government
9 suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative McHenry of Madawaska.

Cosponsored by Senator Tuttle of York.

11
12 STATE OF MAINE
13

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

17 AN ACT to Clarify a Sewer District's
18 Responsibility for the Maintenance and
19 Repair of Public Drains or Common
20 Sewers.
21

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

24 30 MRSA §4451, sub-§1, as enacted by PL 1979, c.
25 400, is amended to read:

26 1. Estimate and assessment of costs; notice.
27 When any town or sewer district has constructed and
28 completed a public drain or common sewer, the municipi-
29 pal officers or sewer district trustees shall deter-
30 mine what lots or parcels of land are benefited by
31 the drain or sewer, and shall estimate and assess
32 upon the lots and parcels of land and against the
33 owner thereof or person in possession, or against

1 whom the taxes thereon are assessed, whether the per-
2 son to whom the assessment is so made shall be the
3 owner, tenant, lessee or agent and whether the same
4 is occupied or not, the sum not exceeding the benefit
5 they may deem just and equitable towards defraying
6 the expenses of constructing and completing the drain
7 or sewer, together with any sewage disposal units and
8 appurtenances that may be necessary, and in operation
9 after May 31, 1979, the whole of the assessments not
10 to exceed 1/2 the cost of the drain or sewer and sew-
11 age disposal units, and the drain or sewer shall for-
12 ever thereafter be maintained and kept in repair by
13 the town or sewer district. The municipal officers or
14 sewer district trustees shall file with the clerk of
15 the town the location of the drain or sewer and sew-
16 age disposal unit, with a profile description of the
17 same, and a statement of the amount assessed upon
18 each lot or parcel of land so assessed, and the name
19 of the owner of the lots or parcels of land or per-
20 sons against whom the assessment is made, and the
21 clerk of the town and the sewer district trustees
22 shall record the assessment in a book kept for that
23 purpose, and within 10 days after filing notice each
24 person so assessed shall be notified of the assess-
25 ment by having an authentic copy of the assessment,
26 with an order of notice signed by the clerk of the
27 town or the chairman of the sewer district trustees
28 stating the time and place for a hearing upon the
29 subject matter of the assessments, given to each per-
30 son so assessed or left at his usual place of abode
31 in the town. If he has no place of abode in the town,
32 then the notice shall be given or left at the abode
33 of his tenant or lessee, if he has one in the town;
34 if he has no tenant or lessee in the town, then by
35 posting the notice in some conspicuous place in the
36 vicinity of the lot or parcel of land so assessed, at
37 least 30 days before the hearing; or the notice may
38 be given by publishing it 3 weeks successively in any
39 newspaper published in the town, the first publica-
40 tion to be at least 30 days before the hearing. A re-
41 turn made upon a copy of the notice by any constable
42 in the town or the production of the paper containing
43 the notice shall be conclusive evidence that the no-
44 tice was given, and upon the hearing the municipal
45 officers or sewer district trustees shall have power
46 to revise, increase or diminish any of the assess-
47 ments, and any revisions, increase or diminution

1 shall be in writing and recorded by the clerk and the
2 sewer district trustees.

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

9 STATEMENT OF FACT

10 This bill incorporates language which was inad-
11 vertently left out of the original law as enacted.
12 It seeks to make clear that a sewer district is re-
13 sponsible for the upkeep and repair of its common
14 sewers and public drains.

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