

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1113

H.P. 781

House of Representatives, March 13, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative REED of Falmouth.

Cosponsored by Senator EMERSON of Penobscot and Senator BERUBE of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Assist the Expansion of Municipal Sewer Systems.



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

2
3 Sec. 1. 30-A MRSA §3442, sub-§2, as amended by PL 1989, c.
4 104, Pt. C, §§8 and 10, is further amended to read:

6 2. Estimate and assessment of costs; notice. When any
7 municipality or sewer district has constructed and completed a
8 public drain or common sewer, the municipal officers or sewer
9 district trustees shall determine what lots or parcels of land
10 are benefited by the drain or sewer, and shall estimate and
11 assess upon the lots and parcels of land and against the owner of
12 the land or person in possession, or against whom the taxes on
13 the land are assessed, whether the person to whom the assessment
14 is so made is the owner, tenant, lessee or agent and whether the
15 land is occupied or not, the sum not exceeding the benefit they
16 consider just and equitable towards defraying the expenses of
17 constructing and completing the drain or sewer, together with any
18 sewage disposal units and appurtenances that are necessary and in
19 operation after May 31, 1979. The whole of the assessments may
20 not exceed 1/2 the cost of the drain or sewer and sewage disposal
21 units unless more than 50% of the landowners or the owners of
22 more than 50% of the land that will be benefited by the
23 expansion, petition the municipal officers to construct the drain
24 or sewer and sewage disposal unit and agree to pay a higher
25 assessment that must be identified in the petition. The
26 municipality or sewer district shall maintain and keep the drain
27 or sewer in repair.

28
29 A. Farmland, as defined by Title 36, section 1102,
30 subsection 4, is exempt from assessment under this
31 subsection when no benefits are derived from the common
32 sewer or drain. The owner of the farmland must notify the
33 municipal officers or sewer district trustees that farmland
34 property may qualify for this exception. The municipal
35 officers or sewer district trustees shall revise the
36 assessments against qualified farmland to exempt it from
37 assessment. Any revision of assessment provided by this
38 paragraph shall must be in writing and recorded by the clerk
39 or sewer district trustees.

40
41 When the use of the land is changed from farmland, the owner
42 shall within 60 days notify the municipal officers or sewer
43 district trustees in writing of the change. The municipal
44 officers or sewer district trustees shall assess this land
45 in an amount equal to the assessment which would have been
46 due but for this subsection. The municipal officers or
47 sewer district trustees shall notify the owner of the
48 assessment due which the owner shall pay within 60 days of
49 notice or as provided by the municipal officers under their
50 authority in section 3444.

