

# MAINE STATE LEGISLATURE

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# FIFTIETH LEGISLATURE.

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HOUSE.

No. 36.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

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AN ACT to amend chapter sixteen of the revised statutes,  
relating to drains and common sewers.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows :*

SECTION 1. It shall be the duty of the municipal  
2 officers of towns and cities, when their town or city  
3 has constructed and completed any public drain or  
4 common sewer, to determine what lots or parcels of  
5 land are benefited by such drain or sewer, and to  
6 estimate and assess upon such lots and parcels of land,  
7 and against the owners thereof, whether the same is  
8 occupied or not, such sum not exceeding such benefit  
9 as they may deem just and equitable, towards defray-  
10 ing the expenses of constructing and completing such  
11 drain or sewer, the whole of such assessments not to

12 exceed three-fourths of the costs of such drain or  
13 sewer, and such drain or sewer shall forever thereafter  
14 be maintained and kept in repair by such town or city.  
15 Such municipal officers shall file with the clerk of  
16 their town or city the location of such drain or sewer,  
17 with a profile description of the same, with the amount  
18 assessed upon each lot or parcel of land so assessed,  
19 and the name of each person against whom the same  
20 is assessed, and the clerk of such town or city shall  
21 record the same in a book kept for that purpose, and  
22 within ten days after filing such notice, each person so  
23 assessed shall be notified of such assessment by hav-  
24 ing an authentic copy of said assessment, with an  
25 order of notice, signed by the clerk of such town or  
26 city, stating the time and place for a hearing upon the  
27 subject matter of said assessment, given to each person  
28 so assessed, or left at his usual place of abode in such  
29 town or city; if he has no place of abode in such town  
30 or city, then such notice shall be given to or left at  
31 the abode of his tenant or lessee, if he has one in such  
32 town or city; if he has no such tenant or lessee in  
33 such town or city, then by posting the same in some  
34 conspicuous place in the vicinity of the lot or parcel of  
35 land so assessed, or such notice may be given by pub-  
36 lishing the same in any newspaper published in such  
37 town or city; a return made upon a copy of such

38 notice with a return thereon made by any constable of  
39 such town or city that he has given such notice, or the  
40 production of the paper containing such notice, shall  
41 be conclusive evidence that such notice has been given,  
42 and shall be binding upon all parties; such notice shall  
43 be given fourteen days before the time fixed for such  
44 hearing, and upon such hearing the municipal officers  
45 shall have power to revise, increase or diminish any  
46 of such assessments, and all of such revisions, increase  
47 or diminution of such assessments shall be in writing  
48 and recorded by such clerk.

SECT. 2. Any person not satisfied with the amount  
2 for which he is assessed may within ten days after  
3 such hearing, by request in writing given to such clerk,  
4 have the assessment upon his lot or parcel of land de-  
5 termined by arbitration. The municipal officers shall  
6 nominate six persons who are residents of such town  
7 or city, two of whom selected by the applicant with a  
8 third resident person selected by such applicant may  
9 fix the sum to be paid by him, and the report of such  
10 referees made to the clerk of such town or city, and  
11 recorded by him, shall be final and binding upon all  
12 parties. Said reference shall be had and their report  
13 made to the said clerk, within thirty days from the  
14 time of the hearing before such municipal officers  
15 named in section one of this act.

SECT. 3. Any person may enter his private drain into any such public drain or common sewer while the same is under construction and before the same is completed, and before the assessments are made, on obtaining a permit in writing from the municipal officers, or the committee having the construction of the same in charge ; but after the same is completed and the assessments made, no person shall enter his private drain into the same until he has paid his assessment and obtained a permit in writing from the municipal officers. All permits given to enter any such drain or sewer shall be recorded by the town or city clerk before the same are issued.

SECT. 4. All assessments made under the provisions of this act shall create a lien upon each and every lot or parcel of land so assessed, and the buildings upon the same, which lien shall continue one year after said assessments are made, and if said assessments are not paid within three months after they are made, then the clerk of such town or city shall make out a list of all assessments remaining unpaid, stating the lot or parcel of land assessed, the amount of the assessment, and the name of the person against whom the same is assessed, to be by him certified ; and he shall deliver the same to the treasurer of such town or city, and the treasurer shall proceed to and sell such of said lots

14 or parcels of land, or so much thereof, at public auc-  
15 tion, as is necessary to pay such assessments and all  
16 costs and incidental charges; he shall advertise and  
17 sell the same in the same way and manner that real  
18 estate is advertised and sold for taxes under chapter  
19 six of the revised statutes, which sale shall be made  
20 within one year from the time said assessments are  
21 made; and upon such sale, the treasurer shall make,  
22 execute and deliver his deed to the purchaser thereof,  
23 which shall be good and effectual to pass the title of  
24 such real estate; the sum for which such sale shall be  
25 made, shall be the amount of the assessment and all  
26 costs and incidental expenses.

SECT. 5. Any person to whom the right by law  
2 belongs, may at any time within one year from the  
3 date of said sale, redeem such real estate by paying to  
4 the purchaser or his assigns the sum for which the  
5 same was sold, with interest thereon at the rate of  
6 twenty per cent. per annum, and the costs of recon-  
7 veyance.

SECT. 6. If said assessments are not paid, and such  
2 town or city does not proceed to collect the same by a  
3 sale of the lots or parcels of land upon which such  
4 assessments are made, or is in any manner delayed, or  
5 defeated in collecting such assessments by a sale of the  
6 real estate so assessed, then the town or city, in the

7 name of the inhabitants of such town or in the name of  
8 such city, may sue for and maintain an action against  
9 the party so assessed for the amount of said assess-  
10 ments, as for money paid, laid out and expended for  
11 the use of such persons so assessed, in any court com-  
12 petent to try the same, and in such suit may recover  
13 the amount of such assessment and twelve per cent.  
14 interest on the same from the date of said assessment.

SECT. 7. All acts and parts of acts inconsistent with  
2 this act are hereby repealed; but this act nor such  
3 repeal shall not apply to or affect any drain or com-  
4 mon sewer constructed or assessment made prior to  
5 the approval of this act.

SECT. 8. This act shall take effect when approved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 9, 1871. }

Reported from the Committee on the Judiciary by Mr. WILSON,  
and printed under the rules.

S. J. CHADBOURNE, *Clerk.*