

MAINE STATE LEGISLATURE

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FIFTIETH LEGISLATURE.

HOUSE.

No. 56.

STATE OF MAINE.

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

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

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 benefitted by such drain or sewer, and to es-
6 timate and assess upon such lots and parcels of land,
7 and against the owner thereof if known, whether the
8 same is occupied or not, such sum not exceeding such
9 benefit as they may deem just and equitable towards
10 defraying the expenses of constructing and completing
11 such drain or sewer, the whole of such assessments not

12 to exceed three-fourths of the cost 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 their
16 town or city the location of such drain or sewer, with
17 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 the owner of such lots or parcels of
20 land if known, 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
23 so assessed shall be notified of such assessment by
24 having 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 assessments, given to each per-
28 son so assessed or left at his usual place of abode in
29 such town or city ; if he has no place of abode in such
30 town or city, then such notice shall be given to or left
31 at the abode of his tenant or lessee if he has one in
32 such town or city ; if he has no such tenant or lessee
33 in such town or city, then by posting the same notice
34 in some conspicuous place in the vicinity of the lot or
35 parcel of land so assessed, at least thirty days before
36 said hearing, or such notice may be given by publishing
37 the same three weeks successively in any newspaper

38 published in such town or city, the first publication to
39 be at least thirty days before said hearing; a return
40 made upon a copy of such notice by any constable of
41 such town or city, or the production of the paper con-
42 taining such notice, shall be conclusive evidence that
43 said notice has been given, and upon such hearing the
44 municipal officers shall have power to revise, increase
45 or diminish any of such assessments, and all such re-
46 visions, increase or diminution shall be in writing and
47 recorded by such clerk.

SECT. 2. Any person not satisfied with the amount
2 for which he is assessed may within ten days after such
3 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 or
7 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

2 into any such public drain or common sewer while the
3 same is under construction and before the same is com-
4 pleted, and before the assessments are made, on ob-
5 taining a permit in writing from the municipal officers,
6 or the committee having the construction of the same
7 in charge ; but after the same is completed and the
8 assessments made, no person shall enter his private
9 drain into the same until he has paid his assessment
10 and obtained a permit in writing from the municipal
11 officers. All permits given to enter any such drain or
12 sewer shall be recorded by the town or city clerk be-
13 fore the same are issued.

SECT. 4. All assessments made under the provisions
2 of this act shall create a lien upon each and every lot
3 or parcel of land so assessed, and the buildings upon
4 the same, which lien shall continue one year after said
5 assessments are made, and within ten days after they
6 are made the clerk of such town or city shall make out
7 a list of all such assessments, the amount of each
8 assessment, and the name of the person, if known,
9 against whom the same is assessed, to be by him cer-
10 tified ; and he shall deliver the same to the treasurer
11 of such town or city, and if said assessments are not
12 paid within three months from the date of said assess-
13 ments, then the treasurer shall proceed and sell such
14 of said lots or parcels of land upon which such assess-

15 ments remain unpaid, or so much thereof, at public
16 auction, as is necessary to pay such assessments and
17 all costs and incidental charges ; he shall advertise and
18 sell the same in the same way and manner that real
19 estate is advertised and sold for taxes under chapter
20 six of the revised statutes, which sale shall be made
21 within one year from the time said assessments are
22 made ; and upon such sale, the treasurer shall make,
23 execute and deliver his deed to the purchaser thereof,
24 which shall be good and effectual to pass the title of
25 such real estate ; the sum for which such sale shall be
26 made, shall be the amount of the assessment and all
27 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 said assess-
3 ments by a sale of the lots or parcels of land upon
4 which such assessments are made, or does not collect
5 or is in any manner delayed or defeated in collecting
6 such assessments by a sale of the real estate so

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

SECT. 7. All acts and parts of acts inconsistent with
2 this act are hereby repealed. This act and said repeal
3 shall not apply to or affect any drain or common sewer
4 constructed or assessment made prior to the approval
5 of this act.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 16, 1871. }

Reported from the Committee on the Judiciary by Mr. HUTCH-
INGS, and printed under the rules.

S. J. CHADBOURNE, *Clerk.*