

MAINE STATE LEGISLATURE

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FIFTY-SECOND LEGISLATURE.

HOUSE.

No. 75.

STATE OF MAINE.

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

AN ACT amendatory of and additional to chapter three hundred and ninety-eight of the public laws of eighteen hundred and sixty-four, and in addition to an act to incorporate the city of Lewiston.

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

SECTION 1. The authority of the city council of the
2 city of Lewiston to lay out, make, maintain and repair
3 all main drains and common sewers in said city, shall
4 remain as provided by chapter three hundred and
5 ninety-eight of the public laws of eighteen hundred
6 and sixty-four, to which this act is additional.

SECT. 2. To defray in part the expenses of making
2 and repairing main drains and common sewers, the
3 mayor and aldermen of said city may assess upon

4 abutting lots of land, and upon lots benefitted thereby,
5 and upon such other lots as the health of said city
6 require to be drained, a sum not exceeding two-thirds
7 of the cost of making and constructing such main
8 drains and common sewers, exclusive of the cost of
9 catch-basins and connecting drains, such assessment to
10 be made on a just and equitable basis after at least
11 seven days notice in writing or by advertisement in
12 one newspaper printed in said city, of the time and
13 place of meeting of the mayor and aldermen for such
14 purpose. The mayor and aldermen shall within one
15 month, file a list of such assessments with the clerk of
16 said city, and cause such list to be published in some
17 newspaper printed in said city.

SECT. 3. Whenever the mayor and aldermen of said
2 city shall decide that any lot of land abutting or con-
3 tiguous to, or that can be conveniently drained into any
4 main drain or sewer, needs to be drained in order to
5 promote the health of said city, it shall be the duty of
6 said mayor and aldermen to give immediate notice in
7 writing, signed by the city clerk to the owner or
8 occupant of such lot of land to drain the same, and
9 said notice may designate the sewer or drain into
10 which the same may be drained; and if such owner
11 or occupant shall unreasonably refuse to drain the
12 same as required, the city may proceed to lay such

13 drain or sewer to drain the same, and charge the
14 expense to such owner or occupant ; and such expense
15 shall be charged against such lot of land drained ;
16 and a lien is created to secure the payment of such
17 expense, and it shall be charged against said lot of
18 land and returned for collection to the city treasurer ;
19 and if such expense is not paid within three months
20 after notice by the city treasurer in writing to the
21 owner of such lot, and request to pay the same, an
22 action of debt may be maintained in the name of the
23 city treasurer to recover such expense, and execution
24 issued upon any judgment obtained in such action
25 may be levied upon the lot of land drained as afore-
26 said or upon any other personal or real estate of such
27 owner ; and when the owner resides out of the county
28 of Androscoggin notice to him to pay such expense
29 published in some newspaper in said city shall be held
30 sufficient.

SECT. 4. The provisions of section two of this act
2 shall be so construed that the assessments therein pro-
3 vided upon the lots of land named, may be made in
4 manner stated, but such assessments shall not be held
5 complete until the owner or occupant of the lot of land
6 to be drained shall enter the main drain or sewer made
7 or repaired by said city, for the purposes of draining
8 said lot, or shall have had his land benefitted by a

9 drain entering such sewer from an adjoining lot, or
10 shall refuse or unreasonably delay to enter such main
11 drain or sewer after being notified to do so by the
12 mayor and aldermen of said city, and after the drain-
13 age of such lot shall have been completed by the city
14 as provided in this act, at which time the assessments
15 before named shall be held to be complete and shall be
16 held to be an assessment against the lot of land drained
17 in the manner herein provided; and a lien is created
18 upon such lot for the payment of the proportion of the
19 expense of making and repairing such main drain or
20 sewer provided by this act, or the entire expense of
21 draining, as the case may be, and such lien may be
22 enforced by an action of debt in the name of the city
23 treasurer commenced at any time within six months
24 after such assessments are completed; and execution
25 issued upon any judgment obtained under the provis-
26 ions of this act may be levied and satisfied upon such
27 lot of land or upon any other property real or personal
28 belonging to such owner.

SECT. 5. Any person or corporation aggrieved by
2 any assessment made by virtue of the provisions of
3 this act, may have an appeal to the county commis-
4 sioners for the county of Androscoggin at any time
5 within two months after such assessment is made and
6 filed with the city clerk by the mayor and aldermen

7 as provided by section two, and such person or corpo-
8 ration shall have the same rights and be subject to
9 the same liabilities and restrictions as provided in
10 cases of land taken for county roads. And when
11 such appeal is entered and prosecuted, the action of
12 debt authorized by this act may be commenced at any
13 time within three months after proceedings in such
14 appeal are closed.

SECT. 6. All assessments made upon lots of land
2 under and by virtue of the provisions of this act shall
3 remain in force and be held valid whether assessed
4 upon such lot in the name of the owner or occupant ;
5 and assessments under this act shall be certified by
6 the mayor and aldermen of said city to the city treas-
7 urer, under the hands of said mayor and aldermen,
8 with directions to collect the same according to law,
9 and such assessment duly certified as herein provided,
10 shall be sufficient evidence of the owner's or occu-
11 pant's liability, against whichever the assessment may
12 be made, in any suit under and by virtue of the pro-
13 visions of this act ; and execution issuing upon any
14 judgment obtained against any person or corporation by
15 virtue of the provisions of this act, may be levied and
16 satisfied upon the lot of land upon which the assess-
17 ment sought to be recovered was assessed, upon any
18 property real or personal of such person or corporation.

SECT. 7. The mayor and aldermen of said city of
2 Lewiston shall, within two months after the acceptance
3 of this act by the city council, cause a list of assess-
4 ments made prior to such acceptance on account of
5 sewers, upon lots of land or upon the owners of the
6 abutting lots, under the provisions of said chapter
7 three hundred and ninety-eight of the public laws of
8 eighteen hundred and sixty-four, so far as such assess-
9 ments have not been already paid or satisfied, to be
10 published in some newspaper printed in said city. If
11 the owner of any lot so assessed deems the assessment
12 unreasonable, he may within one month after such
13 publication apply in writing to the mayor and alder-
14 men of said city for an abatement or reduction of the
15 same ; and said mayor and aldermen shall hear and
16 determine such request, and make such abatement of
17 or reduction in any assessment as may seem to them
18 just and reasonable on the basis provided by section
19 two of this act. The mayor and aldermen shall file
20 with the city clerk a list of assessments as finally de-
21 termined by them after hearing applications for abate-
22 ment or reduction ; and such assessments when thus
23 filed shall be held valid and remain in full force,
24 subject, however, to the right of appeal, and the
25 limitations, restrictions and liabilities provided by
26 sections four, five and six of this act.

SECT. 8. To enforce the collection of assessments
2 made by the municipal officers of said city of Lewiston
3 upon the owners of abutting lots and other lots bene-
4 fitted thereby, under and by virtue of the provisions
5 of the act to which this act is additional, the said city
6 of Lewiston is authorized to commence an action of
7 debt in the name of the treasurer of said city, and for
8 the benefit of said city of Lewiston, against each of
9 such owners, or against two or more owners where
10 they are tenants in common or joint tenants. Said
11 action of debt may be commenced where the assess-
12 ments have become complete as provided by sections
13 seven and four, at any time within six months after
14 the right of request for abatement or reduction pro-
15 vided in section seven has expired, or in case of an
16 appeal within six months after the proceedings are
17 closed ; and where assessments have not become com-
18 plete as provided by said sections seven and four, then
19 said action of debt may be commenced within six
20 months after such assessments have been so completed.
21 Such action of debt shall not abate by reason of re-
22 moval from office, or expiration of office, or death of
23 such treasurer, but in either such case the name of the
succeeding city treasurer may be substituted in the
25 writ, and the action proceed to final judgment, and
26 execution issued upon any judgment obtained by virtue

27 of the provisions of this section may be levied and
28 satisfied upon any estate real or personal, of such
29 owners of the abutting lots or other lots benefitted
30 thereby, against whom said assessment may have been
31 made.

SECT. 9. When the mayor and aldermen of said city
2 of Lewiston think that the public health or convenience
3 requires the removal of bodies buried in any public
4 grave-yard or burial place in said city, in which there
5 have been no interments for at least ten years, and
6 which is neglected and practically abandoned, said
7 mayor and aldermen shall give at least fourteen days
8 notice of the time and place for hearing all parties
9 interested, by publishing an advertisement of the same
10 in some newspaper printed in the city of Lewiston.
11 If after such hearing, said mayor and aldermen shall
12 decide to make such removal, they shall give at least
13 one month's notice by advertisement in some news-
14 paper as aforesaid, of the time when they propose to
15 make such removal, which time shall be between the
16 first day of May and the first day of November. The
17 mayor and aldermen of said city may then cause the
18 bodies interred in such grave-yard or burial place to
19 be carefully removed and re-interred in some public
20 burial place or cemetery in said city, in lots equally
21 spacious with those from which they were removed,

22 and all grave-stones, monuments or other memorials
23 remaining over such bodies to be removed and replaced
24 over the same, all to be done at the expense of said
25 city.

SECT. 10. This act shall take effect when approved
2 and when accepted by the city council of Lewiston.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 19, 1873. }

Reported from the Committee on the Judiciary, by Mr. DING-
LEY, and on his motion laid on the table to be printed.

S. J. CHADBOURNE, *Clerk.*