

# MAINE STATE LEGISLATURE

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# SIXTIETH LEGISLATURE.

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SENATE

No. 80.

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## STATE OF MAINE.

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

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AN ACT relating to drains and sewers in the city of  
Auburn.

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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 the city of Auburn, before commencing  
3 the construction of any public drain or common  
4 sewer, to give notice of their intention to construct  
5 said drain or sewer, to appoint a time and place for  
6 a hearing in regard to the same, and give notice  
7 thereof by publishing the same for three successive  
8 weeks in the Lewiston Daily Journal. When said  
9 drain or sewer is completed, they shall adjudge  
10 what parcels of land are benefitted by such drain  
11 or sewer, and estimate and assess upon such lots  
12 and parcels of land, and against the owner thereof,

13 if known, such sum, not exceeding such benefit,  
14 as they may deem just and equitable, towards  
15 defraying the expenses of constructing and com-  
16 pleting such drain or sewer, the whole of said  
17 assessments not to exceed two-thirds of the cost  
18 of such drain or sewer, and such drain or sewer  
19 shall forever thereafter be maintained and kept in  
20 repair by said city; such municipal officers shall  
21 file with the clerk of said city the location of said  
22 drain or sewer, with a profile description of the  
23 same, with the amount assessed upon each lot or  
24 parcel of land so assessed, and the name of the  
25 owner of each lot or parcel of land if known, and  
26 the clerk of said city shall record the same in a  
27 book kept for that purpose, and within ten days  
28 after filing such notice, each person so assessed  
29 shall be notified of such assessment, by having an  
30 authentic copy of said assessment, with an order  
31 of notice signed by the clerk, stating a time and  
32 place for a hearing on the subject matter of said  
33 assessments, giving to each person so assessed,  
34 or left at his usual place of abode in said city; if  
35 he has no place of abode in said city, then such  
36 notice shall be given to or left at the abode of his  
37 tenant or lessee, if he has one in said city; if he  
38 has no such tenant or lessee in the said city, then by

39 posting the same in some conspicuous place in the  
40 vicinity of the lot or parcel of land so assessed, at  
41 least thirty days before said hearing, or such notice  
42 may be given by publishing the same three weeks  
43 successively in any newspaper published in said  
44 city, the first publication to be at least thirty days  
45 before said hearing; a return made of a copy of  
46 such notice by any constable in said city, or the  
47 production of the paper containing such notice,  
48 shall be conclusive evidence that said notice has  
49 been given, and upon such hearing the municipal  
50 officers shall have power to revise, increase, or  
51 diminish any of such assessments, and all such  
52 revision, increase, or diminution shall be in writing,  
53 and recorded by such clerk.

SECT. 2. Any person who is aggrieved by the  
2 doings of said municipal officers in laying out and  
3 constructing said sewer, or in making said assess-  
4 ments, may appeal therefrom to the next term of  
5 the supreme judicial court which shall be holden in  
6 the county of Androscoggin, more than thirty days  
7 from and after the day when the hearing last men-  
8 tioned is concluded, excluding the day of the com-  
9 mencement of the session of said court; the appli-  
10 cants shall serve written notice of such appeal upon  
11 the mayor or city clerk, fourteen days at least be-

12 fore the session of the court, and shall at the first  
13 term file a complaint setting forth substantially the  
14 facts in the case; either party shall be entitled to a  
15 trial by jury, or the matter in dispute may, if the par-  
16 ties so agree, be decided by a committee of refer-  
17 ence, and the court shall render such judgment and  
18 decree in the premises as the nature of the case may  
19 require; at the trial exceptions may be taken to the  
20 ruling of the judge, as in other cases.

SECT. 3. Any person may enter his private drain  
2 into any such public drain or common sewer while  
3 the same is under construction, and before the same  
4 is completed, and before the assessments are made,  
5 on obtaining a permit in writing from the municipi-  
6 pal officers, or the committee having the construc-  
7 tion of the same in charge; but after the same is  
8 completed and the assessments made, no person  
9 shall enter his private drain into the same until he  
10 has paid his assessment and obtained a permit in  
11 writing from the municipal officers. All permits  
12 given to enter any such drain or sewer shall be re-  
13 corded by the city clerk of said city before the  
14 same is issued.

SECT. 4. All assessments made under the pro-  
2 visions of this act shall create a lien upon each and  
3 every lot or parcel of land so assessed, which lien

4 shall continue one year after said assessments are  
5 payable, and within ten days after they are made;  
6 the clerk of said city shall make out a list of all  
7 such assessments, the amount of each assessment,  
8 and the name of the person, if known, against whom  
9 the same is assessed, to be by him certified; and he  
10 shall deliver the same to the treasurer of said city,  
11 and if said assessments are not paid, within three  
12 months from the date of said assessments, then the  
13 treasurer shall proceed and sell such of said lots or  
14 parcels of land upon which said assessments re-  
15 main unpaid, or so much thereof at public auction  
16 as is necessary to pay such assessments, and all  
17 costs and incidental charges in the same way and  
18 manner that real estate is advertised and sold for  
19 taxes under chapter six of the revised statutes,  
20 which sale shall be made within one year from the  
21 time said assessments are made; and upon such  
22 sale the treasurer shall make, execute, and deliver  
23 his deed to the purchaser thereof, which shall be  
24 good and effectual to pass the title to such real  
25 estate.

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  
4 to the purchaser or his assigns the sum for which

5 the same was sold, with interest thereon at the rate  
6 of twenty per cent. per annum, with costs for re-  
7 conveyance.

SECT. 6. If said assessments are not paid, and  
2 said city does not proceed to collect said assess-  
3 ments by a sale of the lots or parcels of land upon  
4 which said assessments are made, or does not col-  
5 lect, or is in any manner delayed or defeated in  
6 collecting such assessments by a sale of the real  
7 estate so assessed, then the said city, in the name  
8 of the inhabitants of said city, or in the name of  
9 such city, may sue for and maintain an action  
10 against the party so assessed, for the amount of  
11 said assessment as for money paid, laid out and  
12 expended, in any court competent to try the same,  
13 and in such suit may recover the amount of such  
14 assessment with twelve per cent. interest on the  
15 same from the date of said assessment, and costs.

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

SECT. 8. The provisions of this act shall apply  
2 to drains or sewers already constructed by said  
3 city of Auburn within its limits, but said city shall

4 not hereby be authorized to assess any further tax  
5 upon persons whose estates are now connected  
6 with any drain or sewer already constructed with-  
7 in said city, in case the assessment for such con-  
8 nection has been paid.

SECT. 9. This act shall take effect when accepted  
2 by the city council of Auburn.



STATE OF MAINE.

In SENATE, March 3, 1881.

Reported by Mr. DINGLEY, from the Committee on Legal  
Affairs, laid on the table to be printed under the Joint Rules.

C. W. TILDEN, *Secretary.*