

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 107.

STATE OF MAINE.

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

AN ACT to amend chapter seventy-four of the laws
of eighteen hundred and eighty-one relating to the
improvement of marshes, meadows and swamps.

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

SECTION 1. The first section of the said act is
2 hereby amended by inserting next after the word
3 “flow,” the words, *or to exclude tide waters from;*
4 so that the said section as amended shall read as
5 follows:

6 *Sect. 1.* When any meadow, swamp, marsh,
7 beach or other low land is held by several pro-
8 prietors, and it is necessary or useful to drain or
9 flow, or to exclude tide waters from the same, or
10 remove obstructions in rivers or streams leading

11 therefrom, such improvements may be effected
12 under the direction of commissioners in the manner
13 herein provided.

SECT. 2. Section seven of the said act is hereby
2 amended to read as follows:

3 *Sect. 7.* They shall collect the moneys so as-
4 sessed. Any one or more of their number may act
5 in such collection by authority of the whole or a
6 majority thereof.

SECT. 3. Section eight of the said act is hereby
2 repealed and in place thereof the following is in-
3 sserted:

4 *Sect. 8.* The commissioners, before they pro-
5 ceed to the execution of such work as they shall
6 have designated, may, if deemed expedient, esti-
7 mate the amount of money required for the same,
8 and fix the limit of the time or times for the pay-
9 ment thereof either in one payment or by install-
10 ments and assess and collect the same as above
11 provided. And in case any proprietor shall refuse
12 or neglect to pay his assessment or any install-
13 ment thereof for the space of twenty days after
14 demand, the commissioners, after notice given in
15 the manner now provided by law for the sale on
16 execution of rights to redeem real estate mortgaged,

17 shall sell the land at public auction to the highest
18 bidder, and convey the same to the purchaser by
19 deed under their hands and seals. In case of
20 lands so assessed and belonging to proprietors res-
21 idents out of the county where the lands lie, or un-
22 known, notice of the assessment and of the time or
23 times when payment is required, may be published
24 three weeks successively in a newspaper published
25 in such county, if any, otherwise in the state paper,
26 and such notice shall be equivalent to and have the
27 same effect as if demand were made in person on
28 the day of the last publication of such notice. On
29 the completion of the work the commissioners
30 shall ascertain and determine the amount required
31 to defray the expense thereof including the cost of
32 the commission and costs on the petition and of
33 the proceedings thereunder, all which costs shall be
34 estimated and ascertained as nearly as may be by
35 the court and stated in the commission; and, if it
36 shall thus be found that the fund previously raised
37 as aforesaid is not sufficient, they shall assess the
38 amount of the deficiency and proceed in the collec-
39 tion thereof as before, provided in case of the orig-
40 inal assessment. And if on the contrary there
41 shall be a surplus left in the hands of the commis-

42 sioners it shall be refunded to those proprietors
43 whose assessments have been fully paid in propor-
44 tion to the rate of assessment.

45 And in case the sale of any land so assessed and
46 sold as aforesaid shall not bring the amount of the
47 assessment or assessments thereon, and the cost of
48 the sale and conveyance thereof, the commissioners
49 shall assess such deficiency on the other land or
50 lands originally assessed as aforesaid and collect
51 and enforce payment of the same as before pro-
52 vided, and thus proceed until the full sum required
53 shall have been obtained.

SECT. 4. Section nine of the said act is hereby
2 amended by striking out all that part thereof pre-
3 vious to the words, "the commissioners shall be
4 allowed," so that the said section as amended shall
5 read as follows:

6 *Sect. 9.* The commissioners shall be allowed
7 such compensation for their services as shall be
8 ordered by the court.

SECT. 5. Section ten of the said act is hereby
2 amended by adding to the same the following
3 words: "And the court shall make final audit of
4 their account and allow or correct the same, and
5 may correct the final estimate of the cost of the

6 commission and modify or correct any previous
7 order relating to such costs, and determine the
8 amount of the surplus fund, if any there be, to be
9 repaid to each proprietor.”

SECT. 6. If any proprietor or proprietors of land
2 or lands embraced in any tract so to be improved
3 as aforesaid, shall have constructed upon his or
4 their own land or lands, a dike, dam or other
5 barrier against tide waters or other waters, before
6 the final determination of the commissioners and
7 preliminary estimate shall have been made, which
8 shall be found necessary and sufficient as a part of
9 the improvements so to be made as aforesaid, the
10 commissioners, with the consent of the owner or
11 owners of such work, may adopt the same as a
12 part of the contemplated improvements and deter-
13 mine and allow the value thereof and of each
14 owner's share thereof, in case there be more than
15 one such owner, as a part of the expense of such
16 improvements and in payment or part payment of
17 the assessment or assessments made against such
18 owner or owners respectively; and in case there be
19 any surplus of such value or values, the same shall
20 be paid to such owner or owners respectively out
21 of the building fund so raised as aforesaid.

(6)

SECT. 7. This act shall take effect on its ap-
2 proval by the governor, and shall apply to and be
3 enforced in cases now pending.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 19, 1883. }

Reported from the Committee on Agriculture, by Mr. GIL-
MORE of Dedham, and ordered printed under the Joint Rule.

F. L. PATTEN, *Clerk pro tem.*