

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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SENATE.

No. 143.

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## STATE OF MAINE.

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

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AN ACT relating to construction of 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 any town, when such town has con-  
3 structed and completed any public drain or  
4 common sewer, to determine what lots or parcels  
5 of land are benefited by such drain or sewer, and  
6 to estimate and assess upon such lots and parcels  
7 of land, and against the owner thereof, or person  
8 in possession, or against whom the taxes thereon  
9 shall be assessed, whether said person to whom  
10 the assessment is so made shall be the owner,

11 tenant, lessee or agent, and whether the same is  
12 occupied or not, such sum not exceeding such  
13 benefit as they may deem just and equitable towards  
14 defraying the expenses of constructing and com-  
15 pleting such drain or sewer, the whole of such  
16 assessments not to exceed one-half of the cost of  
17 such drain or sewer, and such drain or sewer shall  
18 forever thereafter be maintained and kept in repair  
19 by such town. Such municipal officers shall file  
20 with the clerk of such town the location of such  
21 drain or sewer, with a profile description of the  
22 same, with the amount assessed upon each lot or  
23 parcel of land so assessed, and the name of the  
24 owner of such lots or parcels of land or person  
25 against whom said assessment shall be made, and  
26 the clerk of said town 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 of said town, stating  
32 the time and place for a hearing upon the subject  
33 matter of said assessments, given to each person  
34 so assessed or left at his usual place of abode in  
35 said town; if he has no place of abode in said town,

36 then such notice shall be given or left at the abode  
37 of his tenant or lessee, if he has one in said city; if  
38 he has no such tenant or lessee in said town, then  
39 by posting the same notice in some conspicuous  
40 place in the vicinity of the lot or parcel of land so  
41 assessed, at least thirty days before said hearing,  
42 or such notice may be given by publishing the  
43 same three weeks successively in any newspaper  
44 published in said town, the first publication to be  
45 at least thirty days before said hearing; a return  
46 made upon a copy of such notice by any constable  
47 in said town, or the production of the paper con-  
48 taining such notice, shall be conclusive evidence  
49 that said notice has been given, and upon such  
50 hearing the municipal officers shall have power to  
51 revise, increase or diminish any of such assess-  
52 ments, and all such revisions, increase or diminu-  
53 tion shall be in writing and recorded by such  
54 clerk.

SECT. 2. Any person not satisfied with the  
2 amount for which he is assessed, may, within ten  
3 days after such hearing, by request in writing given  
4 to such clerk, have the assessment upon his lot or  
5 parcel of land determined by arbitration. The  
6 municipal officers shall nominate six persons who  
7 are residents of said town, two of whom selected

8 by the applicant, with a third resident person  
9 selected by said two persons, shall fix the sum to  
10 be paid by him, and the report of such referees  
11 made to the clerk of said town, and recorded by  
12 him, shall be final and binding upon all parties.  
13 Said reference shall be had and their report made  
14 to said clerk, within thirty days from the time of  
15 hearing before such municipal officers named in  
16 section one of this act.

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 municipal  
6 officers, or the sewer board having the construction  
7 of the same in charge; but after the same is com-  
8 pleted and the assessments made, no person shall  
9 enter his private drain into the same, until he has  
10 paid his assessment and obtained a permit in writ-  
11 ing from the town treasurer, by authority of the  
12 municipal officers. All permits given to enter any  
13 such drain or sewer, shall be recorded by the town  
14 clerk of said town before the same are 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, and the

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

SECT. 6. If said assessments are not paid, and  
2 said town 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 do 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 town in the name  
8 of said town, may sue for and maintain an action  
9 against the party so assessed for the amount of  
10 said assessment, as for money paid, laid out and  
11 expended, in any court competent to try the same,  
12 and in such suit may recover the amount of such  
13 assessment, with twelve per cent interest on the  
14 same from the date of said assessments and costs.

SECT. 7. When any such assessment shall be  
2 paid by any person against whom such assessment  
3 has been made, who is not the owner of such lot  
4 or parcel of land, then the person so paying the

5 same, shall have a lien upon such lot or parcel of  
6 land with the buildings thereon, for the amount  
7 of said assessment so paid by said person, and  
8 incidental charges, which lien may be enforced in  
9 an action of assumpsit as for money paid, laid out  
10 and expended, and by attachment in the same way  
11 and manner provided for the enforcement of liens  
12 upon buildings and lots, under section thirty, chap-  
13 ter ninety-one, Revised Statutes, which lien shall  
14 continue one year after said assessment is paid.

SECT. 8. All acts and parts of acts inconsistent  
2 with this act, are hereby repealed. This act shall  
3 not apply to any city or town until it shall have  
4 been accepted by the inhabitants of such town or  
5 the city council of such city at a meeting legally  
6 called therefor.



STATE OF MAINE.

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IN SENATE, February 26, 1889.

Reported by Mr. WALTON from Committee on Judiciary and laid on table to be printed under joint rules.

• C. W. TILDEN, *Secretary*.