

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 145.

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## STATE OF MAINE.

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

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AN ACT relating to Drains and Sewers in the City of  
Portland.

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

SECTION 1. The mayor and aldermen of the city of  
2 Portland whenever in their judgment the public interest  
3 requires, may lay out, make, maintain and repair any pub-  
4 lic drain or common sewer in said city, and may assess  
5 upon the owners of the abutting lots and other lots bene-  
6 fited thereby, a proportional part of the charge of making  
7 such drain or common sewer, to be ascertained and assessed  
8 in the manner hereinafter provided.

SECT. 2. When any such drain or sewer is completed,  
2 the mayor and aldermen of said city shall adjudge what

3 parcels of land are benefited thereby, and shall estimate  
4 and assess upon such lots and parcels of land, and against  
5 the owner thereof, if known, such sum, not exceeding  
6 such benefit, as they may deem just and equitable, towards  
7 defraying the expenses of constructing and completing  
8 such drain or sewer, the whole of said assessments not to  
9 exceed two-thirds of the cost of such drain or sewer, and  
10 such drain or sewer shall forever thereafter be maintained  
11 and kept in repair by said city; such municipal officers  
12 shall file with the clerk of said city the location of such  
13 drain or sewer, with a profile description of the same,  
14 with the amount assessed upon each lot or parcel of land  
15 so assessed, and the name of the owner of each lot or  
16 parcel of land, if known, and the clerk of said city shall  
17 record the same in a book kept for that purpose, and each  
18 person so assessed shall be notified of such assessment, by  
19 having an authentic copy of said assessment, with an  
20 order of notice signed by the clerk, stating a time and  
21 place for a hearing on the subject-matter of said assess-  
22 ments, served upon him in hand, or left at his last and  
23 usual place of abode in said city, seven days, at least,  
24 before the date fixed for said hearing, or such notice may  
25 be given by publishing the same in one or more news-  
26 papers printed in said city, said publication to be made  
27 seven days prior to said hearing; a return made of a copy  
28 of such notice by any constable in said city, or the pro-  
29 duction of the paper containing such notice shall be con-  
30 clusive evidence that said notice has been given, and upon  
31 such hearing the municipal officers shall have power to  
32 revise, increase, or diminish any of such assessments, and  
33 all such revision, increase, or diminution shall be in  
34 writing, and recorded by such clerk.

SECT. 3. Any person who is aggrieved by the doings of  
2 said municipal officers in laying out and constructing said  
3 sewer, or in making said assessments, may appeal there-  
4 from to the next term of the Supreme Judicial Court  
5 which shall be holden in the county of Cumberland, more  
6 than thirty days from and after the day when the hearing  
7 last mentioned is concluded, excluding the day of the  
8 commencement of the session of said court; the appli-  
9 cants shall serve written notice of such appeal upon the  
10 mayor or city clerk, fourteen days at least before the ses-  
11 sion of the court, and shall at the first term file a com-  
12 plaint setting forth substantially the facts in the case;  
13 either party shall be entitled to a trial by jury, or the  
14 matter in dispute may, if the parties so agree, be decided  
15 by a committee of reference, and the court shall render  
16 such judgment and decree in the premises as the nature  
17 of the case may require; at the trial exceptions may be  
18 taken to the ruling of the judge, as in other cases.

SECT. 4. Any person may enter his private drain into  
2 any such public drain or common sewer while the same is  
3 under construction and before the same is completed, and  
4 before the assessments are made, on obtaining a permit in  
5 writing from the municipal officers, or some person by  
6 them duly authorized: but after the same is completed  
7 and the assessments made, no person shall enter his  
8 private drain into the same until he has paid his assess-  
9 ment and obtained a permit in writing from the municipal  
10 officers or other person by them duly authorized as afore-  
11 said. All permits given to enter any such drain or sewer  
12 shall be recorded by the city clerk of said city before the  
13 same are issued. Any person who shall, directly or indi-

14 rectly, enter any such drain or common sewer without  
15 first obtaining a permit as aforesaid shall be subject to a  
16 fine not exceeding one hundred dollars.

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

SECT. 6. Any person to whom the right by law belongs,  
2 may at any time within one year from the date of said sale,  
3 redeem such real estate by paying to the purchaser or his  
4 assigns the sum for which the same was sold, with interest

5 thereon at the rate of twenty per centum per annum, with  
6 costs for re-conveyance.

SECT. 7. If said assessments are not paid, and said city  
2 does not proceed to collect said assessments by a sale of  
3 the lots or parcels of land upon which said assessments are  
4 made, or does not collect, or is in any manner delayed or  
5 defeated in collecting such assessments by a sale of the  
6 real estate so assessed, then the said city in the name of  
7 the inhabitants of said city, or in the name of such city,  
8 may sue for and maintain an action against the party so  
9 assessed, for the amount of said assessment as for money  
10 paid, laid out and expended, in any court competent to  
11 try the same, and in such suit may recover the amount of  
12 such assessment with twelve per cent interest on the same  
13 from the date of said assessment, and costs; provided,  
14 however, that if any lot, when sold in the manner before  
15 provided, shall not sell for enough to pay the amount of  
16 said assessment with interest and cost, the owner thereof  
17 shall be under no personal liability for the same.

SECT. 8. Section twenty-four of chapter two hundred  
2 seventy-five of the private and special laws approved March  
3 twenty-fourth, eighteen hundred sixty-three, and chapter  
4 three hundred sixty-eight of the private and special laws  
5 approved February twenty-sixth, eighteen hundred seventy-  
6 three are hereby repealed.

SECT. 9. This act shall take effect when approved.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 24, 1891. }

Tabled, pending first reading, by Mr. PAYSON of Portland, and  
ordered printed.

W. S. COTTON, *Clerk.*