

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

SENATE.

No. 235

STATE OF MAINE,

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to amend sections thirty-two, thirty-three, thirty-four, thirty-five of chapter eighteen of the Revised Statutes relating to the assessment of damages upon abutters on city streets.

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

Section 1. Section thirty-two of said chapter eighteen is
2 hereby amended by striking out the word "thirty" in the third
3 and eighth lines of said section and substituting in place
4 thereof the word 'ten,' so that said section as amended shall
5 read as follows: 'After said assessment has been made upon
6 such lots or parcels and the amount fixed on each, the same
7 shall be recorded by the city clerk, and notice shall be given
8 within ten days after the assessment. by delivering to each
9 owner of said assessed lots resident in said city a certified copy
10 of such recorded assessment, or by leaving it at his last and
11 usual place of abode, and by publishing the same three weeks
12 successively in some newspaper published in said city, the

13 first publication to be within said ten days, and the said clerk
14 within ten days shall deposit in the post office of said city,
15 postage paid, a certified copy of such assessment directed to
16 each owner or proprietor residing out of said city, whose place
17 of residence is known to said clerk, and the certificate of said
18 clerk shall be sufficient evidence of these facts, and in the
19 registry of deeds shall be the evidence of title in allowing or
20 assessing damages and improvements, so far as notice is
21 concerned.'

Sect. 2. Section thirty-three of said chapter eighteen is
2 hereby amended by striking out the entire section and insert-
3 ing in place thereof the following: 'Any person not satisfied
4 with the amount for which he is assessed, may, within ten
5 days after service of the notice provided for by the proceeding
6 section in either manner therein provided, by request in writ-
7 ing given to the city clerk, have the assessment upon his lot
8 or parcel of land determined by arbitration. The municipal
9 officers shall nominate six persons who are residents of said
10 city, two of whom selected by the applicant, with a third resi-
11 dent person selected by said two persons, shall fix the sum to
12 be paid by him, and the report of such referees made to the
13 clerk of said city, and recorded by him, shall be final and
14 binding upon all parties. Said reference shall be had and
15 their report made to said city clerk within thirty days from
16 the time of hearing before the municipal officers as provided
17 in section thirty-one.'

Sect. 3. Section thirty-four of said chapter eighteen is
2 hereby amended by striking out the entire section and insert-
3 ing in place thereof the following: 'All assessments made
4 under the provisions of section thirty-one, shall create a lien
5 upon each and every lot or parcel of land so assessed, and the
6 buildings upon the same, which lien shall continue one year
7 after said assessments are made, and within ten days after
8 they are made, the clerk of said city shall make out a list of all

9 such assessments, the amount of each, and the name of the
10 person against whom the same is assessed, and he shall certify
11 the list and deliver it to the treasurer of said city; if said
12 assessments are not paid within three months from the date
13 thereof, the treasurer shall sell, at public auction, such of said
14 lots or parcels of land upon which such assessments remain
15 unpaid, or so much thereof, as is necessary to pay such assess-
16 ments and all costs and incidental charges; he shall advertise
17 and sell the same within one year from the time said assess-
18 ments are made, as real estate is advertised and sold for taxes
19 under chapter six, and upon such sale, shall make, execute and
20 deliver his deed to the purchaser, which shall be good and
21 effectual to pass the title of such real estate; the sum for which
22 such sale shall be made, shall be the amount of the assess-
23 ment and all costs and incidental expenses. Any person to
24 whom the right by law belongs, may at any time within one
25 year from the date of said sale redeem such real estate by pay-
26 ing to the purchaser or his assigns the sum for which the
27 same was sold, with interest thereon at the rate of twenty per
28 cent a year, and the costs of re-conveyance.'

Sect. 4. Section thirty-five of said chapter eighteen is
2 hereby amended by striking out the entire section and insert-
3 ing in place thereof the following: 'If said assessments are
4 not paid, and said city does not proceed to collect said assess-
5 ments, by a sale of the lots or parcels of land upon which such
6 assessments are made, or do not collect, or is in any manner
7 delayed or defeated in collecting such assessments by a sale
8 of the real estate so assessed, then the said city, in the name of
9 said city, may maintain an action against the party so assessed
10 for the amount of said assessment, as for money paid, laid
11 out and expended, in any court competent to try the same, and
12 in such suit may recover the amount of such assessment, with
13 twelve per cent interest on the same from the date of said
14 assessment and costs.'

STATE OF MAINE.

IN SENATE, March 18, 1903.

Reported by Mr. GOODWIN from Committee on Revision of Statutes,
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*