

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 407

STATE OF MAINE.

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

AN ACT additional to Chapter 242 of the Private and Special
Laws of 1895, entitled "An Act to incorporate the city of
South Portland."

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

Section 1. The city council of South Portland may regu-
late the height and width of sidewalks in any public square,
places, streets, lanes or alleys in said city, and may authorize
posts and trees to be placed along the edge of said sidewalk.

Sect. 2. The city of South Portland may at its option
require the owners of adjacent property to construct foot-
ways or sidewalks.

Sect. 3. The city of South Portland may at its option,
2 without notice and under such regulations or orders as it
3 may have established or passed or may hereafter establish
4 or pass, construct sidewalks or footways laid with brick,
5 flat stones, concrete or other materials, with suitable curbs
6 on any street or portion thereof, and direct one-half the cost
7 thereof to be assessed on adjacent lots and for that purpose
8 may direct the curb to be set at any time previous to the
9 construction of the sidewalk and cause the cost of the curb
10 and the cost of the paving of the walk to be assessed sepa-
11 rately as each is or may be done, provided that no owner
12 or proprietor shall be assessed for more than two hundred
13 (200) feet in length for said sidewalk or footway on any
14 one street in front of any unimproved lots or parcels of land.

Sect. 4. The expense of said walks complete or of said
2 curbs, or of said paving, shall be estimated and assessed
3 within one year, by the mayor and aldermen of said city on
4 the several lots chargeable therewith and by them certified
5 to the city treasurer, in the manner and with all rights to
6 the parties interested, as provided in the above section and
7 be enforced as therein provided, but said assessment shall
8 at any time be corrected on due notice and certified anew
9 by the mayor and aldermen aforesaid and no assessment
10 shall be void by reason of error in the name of the owner
11 or occupant of the lot assessed, provided that the lot assessed
12 is so described that the same may be distinctly known.

Sect. 5. The expense of sidewalks, footways, materials, 2 curbs on any street or portion thereof constructed in the 3 city of South Portland since March 12, 1905, which have 4 been estimated and assessed on the adjoining property with 5 suitable notice to the owners thereof, shall constitute a lien 6 on the real estate so assessed for two years after the passage 7 of this act and shall be certified and collected by levy and 8 sale of the real estate if not paid within three months after 9 a written demand of payment made to the owner or occu- 10 pant of said adjoining premises, said sale to be conducted 11 in like manner as sale for non-payment of taxes of land of 12 resident owners and with a similar right of redemption, and 13 all assessments for the cost of constructing any sidewalk 14 or footway hereafter made in the city of South Portland 15 shall be subject to the provisions contained in the preceding 16 section.

Sect. 6. The city of South Portland may require the 2 owner of any lot or ground fronting on any street or way 3 in said city, to cause the footway or sidewalk in front of 4 said lot to be paved with bricks or flat stones or concrete 5 or other suitable material, the same to be done under the 6 direction and to the approbation of the committee on streets. 7 If the owner of such lot shall neglect to pay and construct 8 the same as aforesaid for the space of twenty days after he 9 or the tenant of the lot shall have been thereto required in 10 writing by the commissioner of streets, it shall be the duty 11 of said commissioner to construct the sidewalk or footway

12 and the city shall have a lien on the abutting real estate for
13 the expense thereof, to be enforced as in the following
14 section.

Sect. 7. The city council, before requiring any such side-
2 walk or footway to be so constructed shall by a general
3 ordinance assume a portion of said expense to an amount
4 not less than one-half thereof to be paid by the city in money
5 or materials, but no owner or proprietor shall be required
6 to construct as aforesaid more than two hundred (200) feet
7 in length of a sidewalk or footway in any one street in front
8 of any unimproved lots or parcels of land. All assessments
9 on account of the sidewalks and charges on account of the
10 same shall constitute a lien on the real estate so assessed
11 for two years after they are laid. They shall be certified
12 by the mayor and aldermen under their hands to the treas-
13 urer and collector of said city and his successors, with direc-
14 tions to collect the same according to law and may, together
15 with all incidental costs and expenses and interest thereon
16 at six per cent from the date of demand for payment thereof,
17 be levied by sale of the estate by him or them if the assess-
18 ment is not paid within three months after a written demand
19 of payment made by him or them either upon the persons
20 assessed or upon any person occupying the estate, such sale
21 to be conducted in like manner as sale for non-payment of
22 taxes on land of resident owners and with a similar right
23 of redemption. Any person who may deem himself aggrieved
24 by any such assessment may appeal to the supreme court in

25 the same manner as is provided for appeals for damages for
26 laying out streets and ways, which court shall at the first
27 term appoint three persons who may be the inhabitants of
28 said city to settle and assess the share to be charged to such
29 appellant; they shall make a return of their doings to said
30 court and their decision, if accepted, shall be final. And
31 in case the assessment made by the mayor and aldermen
32 shall not be reduced on such appeal, the city shall recover
33 costs, but otherwise pay costs.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 7, 1907.

Reported by Mr. MONTGOMERY from Committee on Judiciary, and
ordered printed under joint rules.

E. M. THOMPSON. *Clerk.*