

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 56

STATE OF MAINE.

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

AN ACT to amend the charter of the City of South Portland.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section 4 of Chapter 334 of the Private and
2 Special Laws of 1907 is amended by striking out the word
3 "above" in the sixth line thereof, and substituting therefor
4 the word "following," so that said section as amended, shall
5 read as follows:

Sect. 4. The expense of said walks complete or of said
7 curbs or of said paving, shall be estimated and assessed
8 within one year, by the mayor and aldermen of said city
9 on the several lots chargeable therewith and by them certi-
10 fied to the city treasurer, in the manner and with all rights

11 to the parties interested, as provided, in the following section
12 and be enforced as therein provided, but said assessment
13 shall at any time be corrected on due notice and certified
14 anew by the mayor and aldermen aforesaid and no assess-
15 ment shall be void by reason of error in the name of the
16 owner or occupant of the lot assessed, provided that the lot
17 assessed is so described that the same may be distinctly
18 known.

Sect. 2. Sections 5 and 6 of Chapter 334 of the Private
2 and Special Laws of 1907 are hereby repealed.

Sect. 3. Section 7 of Chapter 334 of the Private and Spe-
2 cial Laws of 1907 is amended by being numbered and known
3 as Section 5, and said section is further amended by striking
4 out therefrom the words "Such sale to be conducted in like
5 manner as sale for non-payment of taxes on land of resident
6 owners and with a similar right of redemption" and substi-
7 tuting therefor the following "Such sale to be held on the
8 first Monday in June, in the year next succeeding the year in
9 which the assessment is laid, and to be otherwise subject to
10 the provisions of law, relative to the sale of land of resident
11 owners for non-payment of taxes, and with a similar right
12 of redemption," so that said section as amended, shall read
13 as follows:

Sect. 5. The city council, before requiring any such
15 sidewalk or footway to be so constructed shall by
16 a general ordinance assume a portion of said ex-

17 pense to an amount not less than one-half thereof
18 to be paid by the city in money or materials, but
19 no owner or proprietor shall be required to construct
20 as aforesaid more than two hundred feet in length
21 of a sidewalk or footway in any one street in front of
22 any unimproved lots or parcels of land. All assessments
23 on account of the sidewalks and charges on account of
24 the same shall constitute a lien on the real estate so
25 assessed for two years after they are laid. They shall be
26 certified by the mayor and aldermen under their hands to
27 the treasurer and collector of said city and his successors,
28 with directions to collect the same according to law and may,
29 together with all incidental costs and expenses and interest
30 thereon at six per cent. from the date of demand for pay-
31 ment thereof, be levied by sale of the estate by him or them
32 if the assessment is not paid within three months after a
33 written demand of payment made by him or them either up-
34 on the persons assessed or upon any person occupying the
35 estate, such sale to be held on the first Monday of June, in
36 the year next succeeding the year in which the assessment is
37 laid, and to be otherwise subject to the provisions of law,
38 relative to the sale of land of resident owners for non-pay-
39 ment of taxes, and with a similar right of redemption. Any
40 person who may deem himself aggrieved by any such as-
41 sessment may appeal to the supreme court in the same man-

42 ner as is provided for appeals for damages for laying out
43 streets and ways, which court shall at the first term appoint
44 three persons who may be inhabitants of said city to settle
45 and assess the share to be charged to such appellant; they
46 shall make a return of their doings to said court and their
47 decision, if accepted, shall be final. And in case the assess-
48 ment made by the mayor and aldermen shall not be reduced
49 on such appeal, the city shall recover costs, but otherwise
50 pay costs.

Sect. 4. Chapter 334 of the Private and Special Laws of
2 1907 is further amended by adding thereto a section to be
3 known and numbered as section 6, as follows:

Sect. 6. If said assessments are not paid, and the city
5 does not proceed to collect said assessments by sale of the
6 lots or parcels of land upon which such assessments are made
7 or does not collect or is in any manner delayed or defeated
8 in collecting such assessments by a sale of the real estate
9 so assessed, then the said city in the name of said city, may
10 maintain an action against the party so assessed, for the
11 amount of said assessment as for money paid, laid out and
12 expended in the South Portland Municipal Court, provided
13 the amount sued for be within the jurisdiction of said Court,
14 otherwise in any Court competent to try the same, and in
15 such action may recover the amount of such assessment, with
16 twelve per cent. interest on the same from the date of said
17 assessment and costs. Such action shall not be abated or de-

18 feated by reason of having been commenced within the time
19 in which the lien for such assessment could be enforced by
20 sale of the real estate so assessed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 1, 1909.

Reported by Mr. HALL from Committee on Legal Affairs
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*