

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 236

House of Representatives, Feb. 17, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT additional to Chapter 406 of the Private and Special Laws of 1850, entitled "An Act creating the Norway Village Corporation," as amended by Chapter 451 of the Private and Special Laws of 1851, Chapter 314 of the Private and Special Laws of 1870, Chapter 185 of the Private and Special Laws of 1875, Chapter 309 of the Private and Special Laws of 1901, Chapter 214 of the Private and Special Laws of 1905, relating to a public sewer for said corporation.

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

Section 1. It shall be the duty of the assessors of the Norway Village Corporation, when said corporation has constructed and completed any public drain or common sewer, to determine what lots or parcels of land are benefited by

5 such drain or sewer, and to estimate and assess upon such
6 lots and parcels of land, and against the owner thereof, or
7 person in possession, or against whom the taxes thereon
8 shall be assessed, whether said person to whom the assess-
9 ment is so made shall be the owner, tenant, lessee or agent,
10 and whether the same is occupied or not, such sum not ex-
11 ceeding such benefit as they may deem just and equitable
12 towards defraying the expenses of constructing and com-
13 pleting such drain or sewer, the whole of such assessments
14 not to exceed three-fourths of the cost of such drain or
15 sewer, and such drain or sewer shall forever thereafter be
16 maintained and kept in repair by said Village Corporation.
17 Said Corporation assessors shall file with the clerk of said
18 Village Corporation the location of such drain or sewer,
19 with a profile description of the same, with the amount
20 assessed upon each lot or parcel of land so assessed, and
21 the name of the owner of such lots or parcels of land or
22 person against whom said assessment shall be made, and
23 the clerk of said Village Corporation shall record the same
24 in a book kept for that purpose, and within ten days after
25 filing such notice, each person so assessed shall be notified
26 of such assessment by having an authentic copy of said
27 assessment, with an order of notice signed by the clerk of
28 said Village Corporation, stating the time and place for a
29 hearing upon the subject matter of said assessments, given
30 to each person so assessed or left at his usual place of abode

31 in said village; if he has no place of abode in said village,
32 then such notice shall be given or left at the abode of his
33 tenant or lessee, if he has one in said village; if he has no
34 such tenant or lessee in such village, then by posting the
35 same notice in some conspicuous place in the vicinity of the
36 lot or parcel of land so assessed, at least thirty days before
37 said hearing, or such notice may be given by publishing the
38 same three weeks successively in any newspaper published
39 in said village, the first publication to be at least thirty days
40 before said hearing; a return made upon a copy of such no-
41 tice by any constable in said village, or the production of the
42 paper containing such notice, shall be conclusive evidence
43 that said notice has been given, and upon such hearing, the
44 corporation assessors shall have power to revise, increase
45 or diminish any of such assessments, and all such revisions,
46 increase or diminution shall be in writing and recorded by
47 such clerk.

Sect. 2. Any person who is aggrieved by the doings of
2 said corporation assessors in laying out and constructing
3 said sewer, or in making said assessments, may appeal
4 therefrom to the next term of the Supreme Judicial Court
5 which shall be holden in the county of Oxford, more than
6 thirty days from and after the day when the hearing last
7 mentioned is concluded, excluding the day of the commence-
8 ment of the session of said court; the appellants shall serve
9 written notice of such appeal upon the chairman of the

10 board of corporation assessors or corporation clerk, fourteen
11 days at least before the session of said court, and shall at
12 the first term file a complaint setting forth substantially the
13 facts in the case; either party shall be entitled to a trial by
14 jury, or the matter in dispute, may, if the parties so agree,
15 be decided by a committee of reference, and the court shall
16 render such judgment and decree in the premises as the na-
17 ture of the case may require; at the trial exceptions may be
18 taken to the ruling of the judge as in other cases.

Sect. 3. Any person may enter his private drain into any
2 such public drain or common sewer, while the same is under
3 construction and before the same is completed, and before
4 the assessments are made, on obtaining a permit in writing
5 from the corporation assessors, or the sewer board having
6 the construction of the same in charge; but after the same
7 is completed and the assessments made, no person shall enter
8 his private drain into the same, until a permit in writing is
9 obtained from the Village Corporation treasurer, by author-
10 ity of the corporation assessors. All permits given to enter
11 any such drain or sewer shall be recorded by the corpora-
12 tion clerk of said Village Corporation before the same are
13 issued.

Sect. 4. The total amount of said assessment shall be
2 assessed in annual assessments of one-tenth part of the
3 principal sum of said total amount of said assessment, ap-
4 portioned among the lots or parcels of land determined to be
5 benefited under section 1 of this Act in the same propor-

6 tions that the assessed values of said lots or parcels of land
7 bear to the total assessed value of the land benefitted, and
8 shall be included as a part of the annual Norway Village
9 Corporation tax against such lots or parcels of land in each
10 and every year until the full amount of the said assessment is
11 paid, with necessary interest on corporation bonds which may
12 be issued for that purpose. And the part of said assess-
13 ment so assessed shall annually create a lien on every lot or
14 parcel or parcels of land so assessed, which lien shall be of
15 the same character as the lien for other taxes, and shall be
16 enforced in the same manner if not paid.

Sect. 5. If said assessments are not paid, and said Village
2 Corporation does not proceed to collect said assessments, by
3 a sale of the lots or parcels of land upon which said assess-
4 ments are made, or do not collect, or is in any manner de-
5 layed or defeated in collecting such assessments by a sale
6 of the real estate so assessed, then the said Village Corpora-
7 tion, in the name of the said Village Corporation, may sue
8 for and maintain any action against the party so assessed
9 for the amount of said assessment, as for money paid, laid
10 out and expended, in any court competent to try the same,
11 and in such suit may recover the amount of such assess-
12 ment, with twelve per cent. interest on the same from the
13 date of said assessments, together with costs.

Sect. 6. When any such assessment shall be paid by
2 any person against whom such assessment has been made,
3 who is not the owner of such lot or parcel of land, then the

4 person so paying the same, shall have a lien upon such lot
5 or parcel of land with the buildings thereon, for the amount
6 of said assessment so paid by said person, and incidental
7 charges, which lien may be enforced in an action of assump-
8 sit as for money paid, laid out and expended, and by at-
9 tachment in the same way and manner provided for the
10 enforcement of liens upon buildings and lots, under sections
11 twenty-nine to forty-five inclusive, of chapter ninety-three,
12 Revised Statutes, which lien shall continue one year after
13 said assessment is paid.

Sect. 7. Whenever it shall appear to the board of health
2 of the town of Norway, that any cellar or lot of land lying
3 in said village within two hundred feet of any public drain
4 or common sewer, constructed or maintained by said Village
5 Corporation, or that any private drain draining into the gut-
6 ter of any street, way, lane or alley or upon neighboring
7 property within two hundred feet as above provided, in said
8 village, or into Pennessewassee Stream, so-called, or into
9 any branch or tributary thereof, within two hundred feet as
10 above provided, is a public nuisance, said board of health
11 shall give notice thereof in writing to the owner or occupant
12 of said premises and request said owner or occupant to
13 abate said nuisance within such reasonable time as said
14 board of health shall direct; and if said owner or occupant
15 shall not, within the time specified by the board of health,
16 abate said nuisance, the corporation assessors, or a commit-
17 tee chosen by them, shall have the power to connect the

18 premises with the public drain or common sewer, and the
19 property shall be liable for the expense thereof in addition to
20 the assessment fixed by said corporation assessors; but the
21 owner or person in possession or person against whom the
22 taxes are assessed, shall have all the rights and privileges
23 guaranteed to him by section two of this act, relating to
24 assessments, the same as if such person had connected with
25 such public drain or common sewer voluntarily.

Sect. 8. For the construction or repair of any public
2 drain or common sewer, the Norway Village Corporation
3 shall have authority to enter upon any lands in said village,
4 and take the same for said purposes, and to lay said sewer
5 over, across and through said lands, when in the opinion of
6 the corporation assessors it is for public interest so to do.
7 Said corporation assessors shall within thirty days after
8 such taking, file in the registry of deeds for Oxford county
9 a description of the lands so taken and the course of said
10 drain or sewer. All damages occasioned by reason of any
11 such taking shall be determined by said corporation assess-
12 ors, by first giving not less than seven days written notice
13 in hand, or leaving the same at the last and usual place of
14 abode of the owner, tenant, lessee or agent, or by publishing
15 a like notice in one or more of the village papers, designating
16 the time and place of hearing, the last publication of which
17 shall not be less than seven days prior to the time of hearing.
18 The corporation assessors shall, within five days after such
19 hearing, file their return with the corporation clerk, stating

20 the amount of damages allowed for each parcel or lot of land
21 so crossed. Any person not satisfied with the amount of
22 his award, shall have the right to appeal to the Supreme
23 Judicial Court in which the same proceedings shall be had
24 as in case of appeal from the decision of county commis-
25 sioners in case of damages for lands taken for highways.

Sect. 9. If at any time prior to the final payment of the
2 last installment of said assessment, the owners of any lots
3 or parcels of land not included in the original determination
4 of the assessors as provided in section 1 of this act shall
5 desire to connect with said sewer, and shall obtain a permit
6 therefor as provided in section 3, said lots or parcels of land
7 may thereafter be included in the annual assessment as if
8 they had been originally included in the lots or parcels de-
9 termined to be benefited, and shall be subject to the same
10 tax and same annual lien until the debt for said sewerage
11 system is fully paid.

Sect. 10. Norway Village Corporation is hereby empow-
2 ered to take water from Pennesseewassee Lake, stream or
3 bog, so called, for the purpose of flushing said sewer, and
4 may enter upon land and lay pipes, over and across the
5 same, as provided in section 8.