

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 200

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*In Senate, Feb. 5, 1913.*

*Came from the House referred to the Committee on Judiciary, and on motion by Senator Packard of Knox laid on the table for printing pending reference in concurrence.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to amend Chapter one hundred of the Private and Special Laws of eighteen hundred ninety-one as amended by Chapter five hundred six of Private and Special Laws of nineteen hundred and three, relating to drains and common sewers in the City of Rockland.

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

That chapter 100 of the Private and Special Laws of 1891  
2 as amended by chapter 506 of the Private and Special Laws  
3 of 1903, be and is hereby amended so as to read as follows:

‘Section 1. Whenever the city council shall determine by  
5 vote to build any permanent drain or sewer in said city, it  
6 shall be lawful to assess the lots or parcels of land adjacent  
7 to and bounded on said streets or ways in which such drain  
8 or sewer is built, in such proportion as the said lots are  
9 benefited or made more valuable by such improvements.  
10 No lot or parcel of land shall be assessed more than one-  
11 third of the cost upon each side of street or way in which  
12 said drain or sewer is built, the amount assessed shall not  
13 exceed two-thirds of the cost, the city to pay not less than  
14 one-third of the cost of said drain or sewer, the amount to  
15 be assessed upon said lots shall be determined by the board  
16 of assessors, added to the annual tax, and committed to the  
17 collector for collection in the same manner as other taxes  
18 and there shall be the same lien upon the real estate so as-  
19 sessed that there is in the case of other taxes. Property  
20 owners who are aggrieved by the assessments aforesaid may  
21 have the right, so far as relates to said assessments, to appeal  
22 therefrom to the supreme judicial court, which shall deter-  
23 mine the amount to be paid in the same manner that land  
24 damages are to be determined under the provisions of sec-  
25 tion nineteen of the city charter.

‘Sect. 2. It shall be the duty of the assessors of Rockland,  
27 when the city has constructed any public drain or common  
28 sewer, to determine what lots or parcels of land are bene-  
29 fited by such drain or sewer, and to estimate and assess  
30 upon such lots and parcels of land, and against the owners

31 thereof, or persons in possession, or against whom the taxes  
32 thereon shall be assessed, whether said person to whom the  
33 assessment is made shall be the owner, tenant, lessee or  
34 agent, and whether the same is occupied or not, such sum  
35 not exceeding such benefit as they may deem just and equi-  
36 table toward defraying the expenses of constructing and  
37 completing such drain or sewer, the whole of such assess-  
38 ment not to exceed two-thirds of the cost of such drain or  
39 sewer, and such drain or sewer shall forever thereafter be  
40 maintained and kept in repair by said city. The joint stand-  
41 ing committee on drains and sewers after the completion of  
42 a drain or sewer by the city, shall file with the assessors the  
43 location of such drain or sewer, with a profile description  
44 and detailed cost of the same, showing the lots or parcels  
45 of land adjacent to and benefited by the same, and the names  
46 of the owners of such lots or parcels of land.

'Sect. 3. Any person may enter his private drain into any  
48 such public drain or common sewer, while the same is under  
49 construction and before the same is completed, and before  
50 the assessments are made, by obtaining a permit in writing  
51 from the joint standing committee on drains and sewers  
52 having the construction of same in charge; but the person  
53 so entering shall pay his assessment when the amount is  
54 fixed by the assessors; but after the same is completed no  
55 person shall enter the same until he has obtained a permit  
56 in writing from the city clerk and countersigned by the city  
57 treasurer. The price of such permit shall be five dollars,

58 payable to the city treasurer at the time of issuing said per-  
59 mit. All permits given to enter any such drain or sewer  
60 shall be recorded by the city clerk before the same are is-  
61 sued.

‘Sect. 4. Whenever it shall appear to the board of health  
63 of the city of Rockland, that any cellar or lot of land lying  
64 in said city within two hundred feet of any public drain or  
65 common sewer constructed or maintained by said city, or  
66 that any private drain draining into the gutter of any street,  
67 way, lane or alley, or upon neighboring property within said  
68 city, or into so-called Lindsey Brook or any branch or tribu-  
69 tary thereof, is a public nuisance, said board of health shall  
70 give notice thereof in writing to the owner or occupant of  
71 said premises, and request said owner or occupant to abate  
72 said nuisance within such reasonable time as said board of  
73 health shall direct; and if said owner or occupant shall not,  
74 within the time specified by the board of health, abate such  
75 nuisance, the joint standing committee on drains and sewers  
76 shall have the power to connect the premises with the public  
77 drain or common sewer, and the property shall be liable for  
78 the expense thereof in addition to the assessment fixed by  
79 the assessors. If said amount is not paid it shall be added  
80 to the assessment of taxes by the assessors, but the owner,  
81 or person in possession, or person against whom the taxes  
82 are assessed, shall have all the rights and privileges guaran-  
83 teed to him by the general law, relating to the assessment  
84 and collection of taxes.

'Sect. 5. For the construction or repair of any public  
86 drain or common sewer, the city of Rockland shall have  
87 authority to enter upon any lands in said city, and take the  
88 same for said purposes, and to lay said sewer over, across  
89 and through said lands, when in the opinion of the municipi-  
90 pal officers it is for the public interest to do so. Said muni-  
91 cipal officers shall within thirty days after such taking, file  
92 in the registry of deeds for Knox county, a description of  
93 the land so taken and the course of said drain or sewer.  
94 All damages occasioned by reason of any such taking shall  
95 be determined by said municipal officers, by first giving not  
96 less than seven days' written notice in hand, or leaving at  
97 the last and usual place of abode of the owner, tenant, lessee  
98 or agent, or by publishing a like notice in one or more of  
99 the city papers, designating the time and place of hearing,  
100 the last publication of which shall not be less than seven  
101 days prior to the time of hearing. The municipal officers  
102 shall, within five days after such hearing file their return  
103 with the city clerk, stating the amount of damages allowed  
104 for each lot or parcel of land so crossed. Any person not  
105 satisfied with the amount of his award may within ten  
106 days after such hearing, by request in writing given to said  
107 clerk, have the damages determined by arbitration and if  
108 the award determined by arbitrators be unsatisfactory to  
109 either party, the party aggrieved shall have the right to  
110 appeal to the supreme judicial court in which the same

111 proceedings shall be had as in case of damages for lands  
112 taken for highways.

‘Sect. 6. All acts or parts of acts inconsistent with the  
114 provisions of this act, so far as they relate to the city of  
115 Rockland, are hereby repealed. This act shall not apply  
116 to or affect any public drain or common sewer constructed  
117 previous to 1912.’