

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 323

H. P. 548

House of Representatives, January 31, 1951

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Jacobs of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Amending the Auburn Sewerage District.

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

P. & S. L., 1917, c. 193, §§ 10 and 11, repealed and replaced. Sections 10 and 11 of chapter 193 of the private and special laws of 1917 are hereby repealed and the following enacted in place thereof:

'Sec. 10. **Assessment of abutters.** So much of the general laws of the state relating to the construction of drains and common sewers as authorize the assessment against lots benefited thereby of an amount not to exceed one-half of the cost of said drain or sewer shall not apply to assessments made under this act. In lieu thereof the owners of estates benefited and abutting on streets or way, public or private, in which sewers shall hereafter be laid under the provisions of this act shall pay to said sewerage district toward defraying the cost of such sewers, systems of sewerage and sewage disposal an assessment or charge as follows: 25c a linear foot of frontage of such estates on any street or way where a sewer is constructed, and 1c a square foot computed upon the area of such estates within a fixed depth of 150 feet from such street or way; provided, however, that in no case shall an assessment be made that shall exceed the special benefit to the estate assessed; also, that no assessment shall be made upon any

estate which, by reason of its grade or level, or for any other cause cannot be drained into such sewer, until such incapacity is removed; and provided, also, that when such estates abut upon more than one such street or way, such linear assessment shall be made upon the whole of the largest frontage, and 75 feet of the frontage upon such other street or way shall be exempt from such assessment, but all length in excess of said 75 feet upon such other street or way shall be subject to said assessment. Whenever, in order to provide for sewerage disposal, it shall become necessary to construct sewerage disposal tanks or treatment plants, then the owners of estates benefited thereby shall pay to said sewerage district such additional sum or sums as the sewerage district shall fix and determine to be the proportional part of the cost of said construction by which each estate assessed is benefited. The remainder of the cost of said system, or systems, shall be borne by said sewerage district. No other sewer from any estate or part of an estate shall be entered into a common sewer except upon such terms and conditions as the sewerage district shall fix and determine.

Sec. 11. Collection of abutters' assessment. Upon the completion of any sewer in any street or way, public or private, or of any sewerage disposal tank or treatment plant, included within any system now constructed or hereafter to be constructed, and when the same is ready for use, the sewerage district may file a certificate with its clerk designating the street or way, or part thereof, in which the sewer has been completed, and setting forth the names of the owners of the estates abutting and benefited and the amount of assessment or charge to be paid by each, and referring to the plan on file in the office of said district, which plan shall show frontage, the area assessed, the name of the owner and the amount of the assessment of each estate abutting and benefited on said street or way; and the clerk shall forthwith, upon the receipt of such certificate, make a demand in writing for the payment of said assessment or charges, and every such owner shall within 3 months after such demand is served on him, or on the occupant of his estate, or sent by mail to the last address of said owner known to the clerk, pay the sum so assessed or charged, to the clerk. If said assessments are not paid within said 3 months, then the said sewerage district in its own name may maintain an action against the party so assessed for the amount of said assessment as for money paid, laid out and expended, in any court competent to try the same, and in such suit may recover the amount of such assessment with 12% interest on the same from the date of said assessment, and costs, and no person, whether the owner of the estate abutting and benefited at the time said assessment or

charge is made or not, shall have the right to connect to any sewer in any street or way, public or private, included within any system now constructed or hereafter to be constructed, unless and until said assessment or charge shall have been paid.'