

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. 1058

H. P. 1505

House of Representatives, February 28, 1951.

Reported by Mr. Bearce from Committee on Public Utilities. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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P. & S. L., 1917, c. 193, Sec. 10 and 11, repealed and replaced. Sections 10 and 11 of chapter 193 of the private and special laws of 1917 are hereby repealed and the following enacted in place thereof: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 sewerage disposal and 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 one hundred and fifty 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 or the largest frontage, and seventy-five feet of the frontage upon such other street or way shall be exempt from such assessment, but all length in excess of said seventy-five feet upon such other street or way shall be subject to said assesment. Whenever, after the effective date hereof, 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 common sewer except upon such terms and conditions as the sewerage district shall fix and determine.

Any person not satisfied with the amount for which he is assessed for entering a sewer connected to a sewerage disposal tank or treatment plant may within 10 days after receipt by him of notice of the amount of his assessment by request in writing given to the clerk of the district have the assessment upon his lot or parcel of land determined by arbitration.

The trustees and applicant shall each select one arbitrator and these two shall select a third, all of whom must be residents of Auburn and these three arbitrators shall fix the sum to be paid by him, and the report of such referees made to the clerk of the district and recorded by him shall be final and binding upon all parties. Said reference shall be had and the report of the referees made to said clerk within 30 days from date of receipt of notice by said clerk of the request for arbitration.

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 estate abutting and benefiting 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 receipt of such certificate, make a demand in writing

for the payment of said assessment or charges, and every owner shall within three 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, or within 3 months from the filing of a report by arbitrators if arbitration has been requested as provided in the preceding section, 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 benefiting 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.