

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

the use of the town or plantation in which such guide post or its substitute, so injured, marred or defaced was set up, and shall pay all costs of the prosecution.

[Approved February 28, 1821.]

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CHAPTER CXXI.

An Act for regulating Drains and common Shores.

Penalty for breaking up highway, &c. to lay drains without consent of selectmen.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any person shall dig or break up the ground in any highway, street or lane in any town, for the laying, altering, repairing or amending of any drain or common shore without the consent of the Selectmen of the town, signified in writing, under the hand of the Town Clerk, such person shall forfeit and pay four dollars for each offence, to the use of the poor of the town, to be recovered with costs of suit, in an action of debt, by the Treasurer thereof, before any disinterested Justice of the Peace in the county.

How common shores must be made.

SEC. 2. *Be it further enacted,* That all drains and common shores for the draining of cellars which shall hereafter be made or repaired in any streets or highways, shall be substantially done with brick or stone, or with such other materials as the Selectmen of the town shall permit; and in such manner as the said Selectmen shall direct. And when any one or more of the inhabitants of any town, shall, by the consent and under the direction aforesaid, at his or their own charge, make and lay any common shore or main drain, for the benefit of themselves and others who may think fit to join therein; every person who afterwards shall enter his or her particular drain into the same; or by any more remote means shall receive any benefit thereby, for the draining of their cellars or lands, shall be held to pay to the owner or owners of such common shore or main drain, a proportionable part of the charge of making or repairing the same, to be ascertained and determined by the Selectmen of the town or a major part of them, and certified under their hands; saving always to the party aggrieved at any such determination, a right of appeal to the Court of Sessions.

Owners of private drains connected with main drain, to assist in paying expense of it—

Amount to be settled by selectmen or Court of Sessions.

SEC. 3. *Be it further enacted*, That when any common shore or main drain shall be stopped or gone to decay so that it shall be necessary to open the same in order to repair it, or remove such stoppage, all the persons who shall be benefitted by such repairs or removal of obstructions, shall be held to pay their proportionable parts of the expenses thereof; as well those who do not, as those who do cause such repairs to be made or obstruction removed; to be ascertained and determined by the Selectmen as aforesaid, saving an appeal as aforesaid. And each person so held to pay his or her part shall have notice thereof of the sum, and to whom to be paid; and if such person shall not pay the same, within ten days after such notice, to the person appointed by the Selectmen to receive it, he or she shall be held to pay the person, so appointed, double the sum mentioned in such certificate, with all costs arising upon such neglect; and such person is hereby empowered to bring an action or actions for the same accordingly: *Provided always*, That the person or persons who shall have occasion to open any common shore or main drain, in order to clear and repair the same, shall, seven days at least before they begin to open the same, notify all persons interested therein, by advertising in such manner as the Selectmen may direct, that they may (if they think proper) object thereto, and lay their objections in person, or writing, before the Selectmen: and if the Selectmen, or the major part of them, shall judge the objections reasonable, then the person or persons making the same, shall not be held to pay any part of such expenses; but if they do not make their objections as aforesaid to the Selectmen within three days after being so notified, or if they shall deem the objections not to be sufficient, then they shall, under their hands, give liberty to the persons applying to proceed to open such common shore or main drain and clean and repair the same, and all interested therein shall pay their proportions as is provided in this Act: *Provided also*, That nothing in this Act shall be understood or construed to effect or make void any covenants or agreements already made, or that may hereafter be made, among the proprietors of such drains or common shores.

Expense of opening a common shore, how to be apportioned and defrayed.

Proceedings when any person wishes to open a common shore to clear it.

Proviso as to the validity of previous covenants, &c. among proprietors.

[Approved February 28, 1821.]