

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

CHAP. 716.

vice of precepts,
enlarged.

dollars, any constable of the town of Whitefield shall have the same authority and be subjected to the same duties as is provided for deputy sheriffs in section nine of chapter eighty of the revised statutes.

Bond to inhabi-
tants required.
Approval of bond
by municipal
officers.

SECT. 2. Said constable, before serving any civil process, shall give bond to the inhabitants of said Whitefield, in the sum of five thousand dollars, with good and sufficient sureties, approved by the municipal officers of said town, who shall endorse their approval on said bond with their own hands for the faithful performance of the duties of said office as to all precepts by him served or executed.

Misdoings of con-
stable, persons
injured by, may
have remedy upon
his bond.

SECT. 3. Persons injured by the neglects or misdoings of said constable may have the same remedy by preliminary action and action on his bond as is provided in case of a sheriff's bond.

SECT. 4. This act shall take effect when approved.

Approved February 25, 1871.

Chapter 716.

An act to authorize the town of Jay to loan its credit in aid of manufactures therein and "for the benefit of the people of this state."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Loan authorized.

SECT. 1. Whereas, upon due investigation and consideration, we deem it for the benefit of the town of Jay, and of the people of this state, said town is hereby authorized to loan the sum of ten thousand dollars to Hutchings & Laue, in accordance with a vote taken by said town on the twenty-first day of April, eighteen hundred and seventy, for the encouragement of manufactures in said town.

SECT. 2. This act shall take effect when approved.

Approved February 25, 1871.

Chapter 717.

An act relating to drains and common sewers in the cities of Portland and Bangor.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Public drains or
common sewers,
duties of municipal
officers relating
to.

SECT. 1. It shall be the duty of the municipal officers of Portland and Bangor, when said cities have constructed and completed any public drain or common sewer, to determine what lots or par-

cels of land are benefited by such drain or sewer, and to estimate and assess upon such lots and parcels of land, and against the owner thereof, if known, whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable towards defraying the expenses of constructing and completing such drain or sewer, the whole of such assessments not to exceed three-fourths of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in repair by said cities. Such municipal officers shall file with the clerk of said cities the location of such drain or sewer, with a profile description of the same, with the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of such lots or parcels of land if known, and the clerks of said cities shall record the same in a book kept for that purpose, and within ten days after filing such notice, each person so assessed shall be notified of such assessment by having an authentic copy of said assessment, with an order of notice, signed by the clerks of said cities, stating the time and place for a hearing upon the subject matter of said assessments, given to each person so assessed, or left at his usual place of abode in said cities; if he has no place of abode in said cities, then such notice shall be given to or left at the abode of his tenant or lessee if he has one in said cities; if he has no such tenant or lessee in said cities, then by posting the same notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least thirty days before said hearing, or such notice may be given by publishing the same three weeks successively in any newspaper published in said cities, the first publication to be at least thirty days before said hearing; a return made upon a copy of such notice by any constable in said cities, or the production of the paper containing such notice, shall be conclusive evidence that said notice has been given, and upon such hearing the municipal officers shall have power to revise, increase or diminish any of such assessments, and all such revisions, increase or diminution, shall be in writing and recorded by such clerk.

SECT. 2. Any person not satisfied with the amount for which he is assessed, may within ten days after such hearing, by request, in writing, given to such clerk, have the assessment upon his lot or parcel of land determined by arbitration. The municipal officers shall nominate six persons who are residents of said cities, two of whom selected by the applicant, with a third resident person selected by such applicant, may fix the sum to be paid by him, and the report of such referees made to the clerks of said cities, and recorded by him, shall be final and binding upon all parties. Said reference shall be had and their report made to said clerks within

Location of drain or sewer to be filed with clerk.

Assessments, hearing upon subject, notice of.

Notice and hearing.

Return upon notice.

Power to revise, increase or diminish assessments, given to municipal officers.
Record of clerk.

Persons not satisfied with assessments, proceedings in case of.

Referees, selection of.

CHAP. 717. thirty days from the time of hearing before such municipal officers named in section one of this act.

Private drain may enter public drain or common sewer.

SECT. 3. Any person may enter his private drain into any such public drain or common sewer, while the same is under construction and before the same is completed, and before the assessments are made, on obtaining a permit in writing from the municipal officers, or the committee having the construction of the same in charge; but after the same is completed and the assessments made, no person shall enter his private drain into the same until he has paid his assessment and obtained a permit in writing from the municipal officers. All permits given to enter any such drain or sewer shall be recorded by the city clerks of said cities before the same are issued.

Conditions.

Permits given to enter drain or sewer to be recorded by city clerk.

Assessments.

Lien.

SECT. 4. All assessments made under the provisions of this act, shall create a lien upon each and every lot or parcel of land so assessed, and the buildings upon the same, which lien shall continue one year after said assessments are made; and within ten days after they are made, the clerk of said cities shall make out a list of all such assessments, the amount of each assessment, and the name of the person, if known, against whom the same is assessed, to be by him certified; and he shall deliver the same to the treasurers of said cities, and if said assessments are not paid within three months from the date of said assessments, then the treasurer shall proceed and sell such of said lots or parcels of land upon which such assessments remain unpaid, or so much thereof, at public auction, as is necessary to pay such assessments and all costs and incidental charges; he shall advertise and sell the same in the same way and manner that real estate is advertised and sold for taxes under chapter six of the revised statutes, which sale shall be made within one year from the time said assessments are made; and upon such sale, the treasurer shall make, execute and deliver his deed to the purchaser thereof, which shall be good and effectual to pass the title of such real estate; the sum for which such sale shall be made, shall be the amount of the assessment and all costs and incidental expenses.

Neglect to pay assessments, proceedings in case of.

Redemption of real estate.

SECT. 5. Any person to whom the right by law belongs, may at any time within one year from the date of said sale, redeem such real estate, by paying to the purchaser or his assigns the sum for which the same was sold, with interest thereon, at the rate of twenty per cent. per annum and the costs of reconveyance.

Collection of assessments.

SECT. 6. If said assessments are not paid, and said cities do not proceed to collect said assessments by a sale of the lots or parcels of land upon which such assessments are made, or do not collect or is in any manner delayed or defeated in collecting such assessments by a sale of the real estate so assessed, then the said cities, in the name of the inhabitants of such cities or in the name

of such city, may sue for and 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 twelve per cent. interest on the same from the date of said assessments and costs. CHAP. 718.

SECT. 7. All acts and parts of acts inconsistent with this act are hereby repealed. This act and said repeal shall not apply to or affect any drain or common sewer constructed or assessment made prior to the approval of this act. Acts repealed.

SECT. 8. This act shall take effect when approved.

Approved February 25, 1871.

Chapter 718.

An act to amend an act entitled "an act to extend the time for the Lime Rook Bank to accept the provisions of an act to renew the charter of certain banks," approved January twenty-eight, eighteen hundred and seventy-one.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Section one of said act, is hereby amended, by striking out in the fifth line thereof the word "March," and inserting instead thereof the word 'April.' Amended.

SECT. 2. This act shall take effect when approved.

Approved February 25, 1871.

Chapter 719.

An act for the assessment of a state tax for the year one thousand eight hundred and seventy-one, amounting to eleven hundred twenty-five thousand four hundred fifty-one dollars and thirty-six cents.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. That each city, town, plantation, or other place hereinafter named within this state, shall be assessed and pay the several sums with which they respectively stand charged in the following lists; the same being in addition to the poll tax of one cent on each poll, a tax of five mills on the dollar of the present valuation, for the current disbursement of the treasury and for the sinking fund established by an act approved January twenty-eight, eighteen hundred sixty-five, and for the sinking fund established by an act approved March seventh, eighteen hundred sixty-eight. State tax.