

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

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1880.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1880.

An act relating to Drains and Sewers in the Town of Deering.

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

Municipal officers may lay out sewer.

SECT. 1. The municipal officers of the town of Deering may, personally or by agency, lay out a public drain or common sewer, upon the written application of seven or more of its inhabitants. They shall give written notice of such application and of a hearing in regard to it, to be posted for seven days in two public places in the town and in the vicinity of the sewer, describing it in the notice.

Notice of hearing.

Return to be filed with town clerk.

SECT. 2. A written return of their proceedings in all cases, containing the bounds, admeasurements and a profile description of the sewer, is to be made and filed with the town clerk. The sewer is not established and shall not be built until it has been accepted in a town meeting, legally called, after it has been so laid out, by a warrant containing an article for the purpose.

Sewer must be accepted by town.

Assessments to be made on lands benefited.

SECT. 3. When said drain or sewer is completed, the municipal officers shall adjudge what parcels of land are benefitted by such drain or sewer, and estimate and assess upon such lots and parcels of land and against the owner thereof, if known, 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 said assessments not to exceed two-thirds of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in order by said town ;

—amount.

Proceedings.

such municipal officers shall file with the clerk of said town 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 each lot or parcel of land, if known, and the clerk of said town 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 clerk, stating a time and place for a hearing on the subject matter of said assessments, given to the person so assessed, or left at his usual place of abode in said town ; if he has no place of abode in said town, then such notice shall be given

to or left at the abode of his tenant or lessee if he has one in said town; if he has no such tenant or lessee in the said town, then by posting the same 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 the city of Portland, the first publication to be at least thirty days before said hearing; a return made by a copy of such notice by any constable in said town, or the production of the paper containing such notice shall be conclusive evidence that such notice has been given, and upon such hearing the municipal officers shall have power to revise, increase or diminish any such assessments, and all such revision, increase or diminution shall be in writing and recorded by such clerk.

SECT. 4. Any person who is aggrieved by the doings of said municipal officers in laying out and constructing said sewer, or in making said assessments, may appeal therefrom to the next term of the supreme judicial court which shall be holden in the county of Cumberland, more than thirty days from and after the day when the hearing last mentioned is concluded, excluding the day of the commencement of the session of said court; the appellants shall serve written notice of such appeal upon said municipal officers fourteen days at least before the session of the court, and shall, at the first term, file a complaint setting forth substantially the facts in the case; either party shall be entitled to a trial by jury, or the matter in dispute may, if the parties so agree, be decided by a committee of reference, and the court shall render such judgment and decree in the premises as the nature of the case may require; at the trial exceptions may be taken to the ruling of the judge, as in other cases.

Aggrieved parties may appeal to S. J. court.

—proceedings.

SECT. 5. Whenever, in the judgment of said municipal officers, the building of such drain or common sewer shall damage any land owner, the said municipal officers shall estimate, and the town shall pay, such damages, in the same manner and form as is provided in the statutes, in relation to damages in building ways.

Damage to property to be paid by town.

SECT. 6. Any person may enter his private drain into any such public drain or sewer while the same is under construction and before the same is completed, and before the assess-

Private drains may be connected by permission of municipal officers.

CHAP. 250

ments are made, on obtaining a permit in writing from the municipal officers; 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 clerk of said town before the same are issued.

Lien created on land by assessment.

—proceedings.

SECT. 7. All assessments made under the provisions of this act shall create a lien upon each and every lot or parcel of land so assessed, which lien shall continue one year after said assessments are payable, and within ten days after they are made the clerk of said town 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 treasurer of said town, 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, 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 to such real estate.

Estate may be redeemed within one year.

SECT. 8. 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 with cost of re-conveyance.

Action may be maintained against party assessed.

SECT. 9. If said assessments are not paid and said town does not proceed to collect said assessments by a sale of the lots or parcels of land upon which said assessments are made, or does 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 town, in the name of the inhabitants of said town or in the name of such town, 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 assessment, and costs; *provided, however*, that if any lot when sold in the manner before provided shall not sell for enough to pay the amount of said assessment with interest and costs, the owner thereof shall be under no personal liability for the same.

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Proviso.

SECT. 10. The municipal officers of the town may employ one of their number, or some other person, to attend the sale of real estate to be sold for assessments under the provisions of this act, and bid therefor a sum sufficient to pay the amount due and charges, in behalf of the town, and the deed shall be made to it.

Estate may be bid in by municipal officers.

SECT. 11. This act shall not have any validity until it is accepted by a vote of the town of Deering, in a town meeting legally called by a warrant containing an article for the purpose.

Act not valid until accepted by town.

SECT. 12. This act shall take effect when approved.

Approved March 4, 1880.

Chapter 251.

An act to make valid the doings of the inhabitants of Reed Plantation in the County of Aroostook.

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

SECT. 1. The doings of the inhabitants of Reed Plantation in the county of Aroostook, at their annual meeting held March seventeen, one thousand eight hundred and seventy-nine, and at their adjourned meeting held March twenty-five of the same year, are hereby made legal and valid.

Doings of Reed plantation made valid.

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

Approved March 4, 1880.