

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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1883.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

Chapter 317.**CHAP. 317**

An Act to repeal chapter two hundred and seven of the Private and Special Laws of eighteen hundred and eighty, being an act to regulate the taking of fish in Dexter Pond.

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

Chapter two hundred and seven of the private and special laws of eighteen hundred and eighty, relating to the taking of fish in Dexter pond is hereby repealed.

Ch. 207, private laws 1880, repealed.

Approved March 7, 1883.

Chapter 318.

An Act to amend the charter of the city of Bath.

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

The city council of the city of Bath shall have exclusive authority to lay out, alter, widen, or discontinue any and all streets or public ways in said city, and as far as extreme low water mark, without petition therefor, all proceedings under this act to be in conformity to the provisions of chapter twenty-six of the public laws of the year eighteen hundred and seventy-two.

City council of Bath to have exclusive authority over streets in said city.

Approved March 7, 1883.

Chapter 319.

An Act relating to Drains and Sowers in the City of Bath.

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

SECT. 1. It shall be the duty of the municipal officers of the city of Bath, before commencing the construction of any public drain or common sewer, to give notice of their intention to construct said drain or sewer, to appoint a time and place for a hearing in regard to the same, and give notice thereof by publishing the same for three successive weeks in some newspaper published in Bath. When said drain or sewer is completed, they shall adjudge what parcels of land

Municipal officers of Bath to give notice of intention to construct drains and sewers.

CHAP. 319

Expense of construction, how estimated and assessed.

Location of drain and assessments to be recorded.

Notice of assessment and hearing thereon, how given.

Assessments may be revised.

Appeals from doings of officers may be taken to S. J. court.

are benefited 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 one-half of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in repair by said city; such municipal officers shall file with the clerk of said city the location of such drain or sewer, 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 city 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, giving to each person so assessed, or left at his usual place of abode in said city; if he has no place of abode in said city, then such notice shall be given to, or left at the abode of his tenant or lessee, if he has one in said city; if he has no such tenant or lessee in the said city, 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 said city, the first publication to be at least thirty days before said hearing; a return made of a copy of such notice by any constable in said city, 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 revision, increase or diminution shall be in writing, and recorded by such clerk.

SECT. 2. 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 Sagadahoc, 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 applicants shall serve written notice of such appeal upon the mayor or city clerk, 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.

Either party entitled to trial by jury.

Exceptions may be taken to ruling of judge.

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 clerk of said city, before the same is issued.

Conditions upon which private drains may be entered into public sewers.

Permits to be recorded.

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, which lien shall continue one year after said assessments are payable, and within ten days after they are made; the clerk of said city 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 city, 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 said 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,

Lien for payment of assessments.

Lots of land may be sold.

CHAP. 319

execute and deliver his deed to the purchaser thereof, which shall be good and effectual to pass the title to such real estate.

Lots may be re-deemed.

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, with costs for re-conveyance.

If assessments are not paid or enforced by sale, city may maintain action.

SECT. 6. If said assessments are not paid, and said city 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 city, in the name of the inhabitants of said city, 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 per annum interest on the same from the date of said assessment, and costs.

Inconsistent acts repealed. Repeal not to affect any sewer already constructed, etc.

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

Act to apply to drains already constructed.

SECT. 8. The provisions of this act shall apply to drains or sewers already constructed by said city of Bath, within its limits, but said city shall not hereby be authorized to assess any further tax upon persons whose estates are now connected with any drain or sewer already constructed within said city, in case the assessment for such connection has been paid.

When act shall take effect.

SECT. 9. This act shall take effect when accepted by the city council of Bath.

Approved March 7, 1883.