

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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1887.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

CHAP. 242 cross the road-bed of the Portland and Ogdensburg Railroad Company at grade.

All privileges and rights are hereby revived.

SECT. 2. All franchises and other rights heretofore vested in said canal corporation, its mortgagees or assigns, are hereby revived so far only as necessary to give full effect to the purposes of this act.

SECT. 3. This act shall take effect when approved.

Approved March 11, 1887.

Chapter 242.

An Act to amend "An Act relating to drains and common sewers in the city of Bangor."

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

Lots benefited by public drain or sewer, shall be assessed equitably, to defray expense of construction.

SECT. 1. It shall be the duty of the municipal officers of Bangor, when said city has constructed and completed any public drain or common sewer, to determine what lots or parcels 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, or person in possession, or against whom the taxes thereon shall be assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and 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 city. Such municipal officers shall file with the clerk of said city 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 or person against whom said assessment shall be made, 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,

—location and profile description, with amount assessed on each lot, shall be filed with city clerk.

—clerk shall record same.

—person assessed shall be notified.

with an order of notice signed by the clerk of said city, 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 city; if he has no place of abode in said city, then such notice shall be given 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 said city, 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 city, 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 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 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 city, two of whom selected by the applicant, with a third resident person selected by said two persons, shall fix the sum to be paid by him, and the report of such referees made to the clerk of said city, and recorded by him, shall be final and binding upon all parties. Said reference shall be had and their report made to said clerk, within thirty days from the time of hearing before such municipal officers named in section one of this act.

Assessments may be determined by arbitration in case any person is dissatisfied.

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 sewer board 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 city treasurer, by author-

Private drains may enter public sewer, while same is under construction.

—after completion, shall not enter, until assessments are paid.

CHAP. 242

ity of 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 are issued.

Assessments shall create lien to secure payment.

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 city shall make out a list of all such assessments, the amount of each assessment, and the name of the person 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 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 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.

—proceedings, if assessments are not paid within three months.

Real estate sold for assessments, may be redeemed.

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 re-conveyance.

City may maintain action against parties assessed, if assessments are not collected by sale of lots.

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 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 city, in the name of said 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.

SECT. 7. When any such assessment shall be paid by any person against whom such assessment has been made, who is not the owner of such lot or parcel of land, then the person so paying the same, shall have a lien upon such lot or parcel of land with the buildings thereon, for the amount of said assessment so paid by said person, and incidental charges, which lien may be enforced in an action of assumpsit as for money paid, laid out and expended, and by attachment in the same way and manner provided for the enforcement of liens upon buildings and lots, under section thirty, chapter ninety-one, revised statutes, which lien shall continue one year after said assessment is paid.

Persons, not owners, paying any assessment, shall have a lien on lot.

—lien, how enforced.

SECT. 8. 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.

Inconsistent acts, repealed.

Approved March 11, 1887.

Chapter 243.

An Act granting to Reuben T. Carver the sole right to propagate Lobsters in Carver's Pond.

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

Reuben T. Carver is hereby granted the sole right to propagate lobsters in Carver's pond, so called, in Vinalhaven; provided, that the said Reuben T. Carver shall provide suitable gates to allow the passage of boats, and that no interference with the mill privilege at the outlet of said Carver's pond shall occur in consequence of the passage of this act.

R. T. Carver, granted sole right to propagate lobsters in Vinalhaven.

Approved March 11, 1887.