

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1887.

ACTS AND RESOLVES

OF THE

SIXTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1889.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

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BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1889.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1889.

Chapter 285.

An Act relating to construction of Drains and Common Sewers.

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 any town, when such town 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 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 such town. Such municipal officers shall file with the clerk of such 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 such lots or parcels of land or person against whom said assessment shall be made, and the clerk of such 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 of said town, 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 town; if he has no place of abode in said town, then such notice shall be given 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 said town, 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 town, the first publication to be at least thirty days before

Expense of construction of drains, etc., how estimated and assessed.

—location of drain, etc., to be recorded.

—notice of assessment and hearing thereon, how given.

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said hearing; a return made upon 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 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. .

--assessment may be revised.

After hearing, assessment may be determined by arbitration, if any person is dissatisfied.

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 town, 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 town, 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.

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

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 town treasurer, by authority of the municipal officers. All permits given to enter any such drain or sewer, shall be recorded by the town clerk of said town before the same are issued.

--permits shall be recorded.

Assessments create a lien on lots for payment of.

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 town 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 town, and if said assessments are not paid within three months

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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.

—lots may be sold for non-payment.

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.

Lots may be redeemed.

SECT. 6. 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 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 town, in the name of said 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 assessments and costs.

Actions may be maintained.

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

Persons paying assessment shall have lien on lot and buildings.

—lien, how enforced.

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upon buildings and lots, under section thirty, chapter ninety-one, Revised Statutes, which lien shall continue one year after said assessment is paid.

Inconsistent acts, repealed.

SECT. 8. All acts and parts of acts inconsistent with this act, are hereby repealed. This act shall not apply to any city or town, until it shall have been accepted by the inhabitants of such town or the city council of such city at a meeting legally called therefor.

Approved March 9, 1889.

Chapter 286.

An Act requiring foreign corporations to send to the Bank Examiner a detailed statement of their condition.

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

Foreign corporations engaged in selling bonds, etc., shall send Bank Examiner statement of condition.

SECT. 1. Every foreign corporation, engaged in the business of selling or negotiating in this state, any bonds, mortgages, notes, or other choses in action, made, endorsed, or guaranteed by it, shall upon request of the bank examiner send to him a detailed statement of its condition, which statement shall clearly describe the various classes of its assets and liabilities, and shall be sworn to by either its president, treasurer or secretary and certified to be correct by at least two of its directors. It shall be the duty of the bank examiner to request such statement of every corporation doing business as aforesaid in this state as often at least as once in each year.

No person shall act as agent of any such corporation which neglects to furnish statement.

SECT. 2. No person shall act as the agent or representative in this state of any such corporation which shall have neglected or refused, for a period of thirty days, to furnish the bank examiner with such statement. Any person violating the provision of this section shall forfeit the sum of five hundred dollars to the use of the state, to be recovered in an action of debt brought in the name of the state in the county in which the defendant resides if he is an inhabitant of this state, if not, in any county where service may be made upon him.

—penalty for violation and how recovered.

Examiner shall publish statement, etc

SECT. 3. The bank examiner shall publish every statement sent him as aforesaid, and notice of refusal or neglect upon the part of every such corporation to send such statement, in one newspaper published in each county of the state. The