

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

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**CHAP. 100**

Limits.

SECT. 2. Said society is hereby established within and for the towns of Bridgton, Harrison, Otisfield, Naples, Casco and Raymond, and may take and hold real and personal estate at a cost not exceeding ten thousand dollars.

First meeting,  
how called.

SECT. 3. The first meeting of said corporation may be called by any three of the persons named in the first section of this act, by giving notice in writing to each of the persons named as incorporators in said section one, at least seven days before the date named in such notice for such meeting, and said notice shall set forth the time, place and purpose of said meeting, and at said meeting the officers of said corporation may be chosen, and such other corporate business done as may be deemed proper.

Approved February 21, 1891.

**Chapter 100.**

An Act relating to drains and common sewers in the city of Rockland.

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

Expense of  
construction of  
sewers in  
Rockland, how  
estimated and  
assessed.

SECT. 1. It shall be the duty of the municipal officers of Rockland, 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,

—location of  
sewers, and  
assessments, to  
be recorded.

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 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.

—notice of assessment, and hearing thereon, how given.

—assessments, may be revised.

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 four arbitrators, who shall be residents of said city, two of whom shall be selected by the municipal officers of the city and two by the applicant, who shall fix the sum to be paid by him, and if these four are unable to agree, they shall choose a fifth person, 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, how determined in case any person is not satisfied.

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 the person so entering

Conditions, upon which private drains may enter public sewers.

CHAP. 100

shall pay the assessment as soon as the amount is fixed; 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 authority 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.

—permits, to be recorded.

Lien on lots, for payments of assessments.

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.

—how enforced.

Lots 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 sums for which the same was sold, with interest thereon at the rate of twenty per cent per annum, and the costs of re-conveyance.

If assessments are not paid or enforced by sale, town 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 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 any 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 paying assessments who are not owners of lots, shall have lien on such lots.

SECT. 8. Whenever it shall appear to the board of health of the city of Rockland, that any cellar or lot of land lying in said city within two hundred feet of any public drain or common sewer, constructed or maintained by said city, or that any private drain draining into the gutter of any street, way, lane or alley or upon neighboring property within said city, or into so called Lindsey brook or any branch or tributary thereof, is a public nuisance, said board of health shall give notice thereof in writing to the owner or occupant of said premises, and request said owner or occupant to abate said nuisance within such reasonable time as said board of health shall direct; and if said owner or occupant shall not, within the time specified by the board of health, abate said nuisance, the municipal officers or a committee chosen by them, shall have the power to connect the premises with the public drain or common sewer, and the property shall be liable for the expense thereof in addition to the assessment fixed by said municipal officers; but the owner or person in possession or person against whom the taxes are assessed, shall have all the rights and privileges guaranteed to him by section two, of this act, relating to assessments, the same as if such person had connected with such public drain or common sewer voluntarily.

Owners of premises within 200 feet of public sewer, and not connected, and deemed a nuisance, shall be forced to connect.

—expense, how paid.

## CHAP. 100

City, authorized to enter and take any lands for public benefit.

—shall file description in registry of deeds for Knox county

—damages, how determined.

SECT. 9. For the construction or repair of any public drain or common sewer, the city of Rockland shall have authority to enter upon any lands in said city, and take the same for said purposes, and to lay said sewer over, across and through said lands, when in the opinion of the municipal officers, it is for public interest so to do. Said municipal officers shall within thirty days after such taking, file in the registry of deeds for Knox county a description of the lands so taken and the course of said drain or sewer. All damages occasioned by reason of any such taking shall be determined by said municipal officers, by first giving not less than seven days written notice in hand, or leaving the same at the last and usual place of abode of the owner, tenant, lessee or agent, or by publishing a like notice in one or more of the city papers, designating the time and place of hearing, the last publication of which shall not be less than seven days prior to the time of hearing. The municipal officers, shall, within five days after such hearing, file their return with the city clerk, stating the amount of damages allowed for each parcel or lot of land so crossed. Any person not satisfied with the amount of his award, may within ten days after such hearing, by request in writing given to such clerk, have the damages determined by arbitration, as sewer assessments are determined by section two of this act, and if the award determined by the arbitrators be unsatisfactory to either party, the party aggrieved shall have the right to appeal to the supreme judicial court in which the same proceeding shall be had as in case of appeal from the decision of county commissioners in case of damages for lands taken for highways.

Inconsistent acts, repealed.

SECT. 10. All acts and parts of acts inconsistent with the provisions of this act, so far as they relate to the city of Rockland, are hereby repealed. This act shall not apply to or affect any public drain or common sewer constructed, or assessments made prior to the approval of this act.

Approved February 21, 1891.