

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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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

ways. Failure to apply for damages within said twelve months, shall be held to be a waiver of the same.

SECT. 9. Said company is authorized to make contracts with other corporations and the inhabitants of said town, for a supply of water or for any of the purposes for which the company is organized. The town of Winn is authorized to enter into contract with said company for a supply of water for fire and other purposes, for a term of years and for such exemption from public burden as may be agreed upon, which when agreed upon, shall be legal and binding upon all parties thereto. The said company is authorized to sell or lease any power not used by it on the dams aforesaid.

May make contracts for water supply.

Town of Winn, may contract for water, and exempt from taxation.

SECT. 10. The capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each. Said company may hold real and personal estate necessary and convenient for its purposes aforesaid.

Capital stock.

SECT. 11. For the purpose of carrying out the foregoing provisions or either of them, said company is authorized to issue its bonds in such form and amount and on such time and rates, not exceeding its capital stock, and secure the same by mortgage of its property and franchises.

May issue bonds and mortgage property.

SECT. 12. The first meeting of said corporation shall be called at said Winn, on a notice in writing signed by any two of the corporators named in section one. Such notice shall be served in hand or by mail postage prepaid, at least seven days before the day appointed therefor. At such meeting any corporator may be represented and act by proxy.

First meeting, how called.

SECT. 13. This act shall take effect when approved.

Approved March 25, 1891.

Chapter 304.

An Act to amend chapter two hundred and fifty of the Private and Special Laws of the year eighteen hundred and eighty, entitled "An Act relating to drains and sewers in the town of Deering."

Chapter two hundred and fifty of the private and special laws of eighteen hundred and eighty, is hereby amended by striking out all of said chapter after section two in said chapter, and inserting thereof the following :

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‘SECT. 3. A board of three commissioners shall be chosen by the town, who shall have jurisdiction over and authority to construct, build, maintain and repair in behalf of the town all the drains and sewers of said town now or that may be hereafter laid out and accepted by said town, under the provisions of sections one and two of this act. The commissioners first elected shall hold their offices, one until the annual March meeting of said town in eighteen hundred and ninety-two, one until the annual March meeting of said town in eighteen hundred and ninety-three, and one until the annual March meeting of said town in eighteen hundred and ninety-four, and until their several successors are elected and qualified. The member having the shortest term to serve shall be chairman of the board. Said commissioners shall be first elected, after the approval of this act, at a special meeting of the inhabitants of said town, called for such purpose, and hold office as above stated, and as said terms severally expire shall thereafter be elected at the annual March meeting of the inhabitants of said town, and such commissioners so elected shall hold office for the term of three years each and until their several successors are elected and qualified. In case any vacancy shall occur by resignation, declination or otherwise in said board during the term for which any member shall have been elected, the municipal officers of said town may fill such vacancy for the remainder of the year, by the written appointment of some suitable person to serve on said board.

‘SECT. 4. When said drain or sewer is completed, said commissioners shall adjudge what parcels of land are benefited by such drain or sewer, whether abutting upon any street through which such sewer may be built or otherwise, and whether the same is occupied or not, 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; said commissioners 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 said commissioners 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. 5. Any person who is aggrieved by the doings of said municipal officers in laying out said sewer or by the doings of said commissioners in 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 commissioners 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

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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.

‘SECT. 6. Whenever, in the judgment of said commissioners, the building of such drain or common sewer shall damage any land owner, the said commissioners 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.

‘SECT. 7. 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 assessments are made, on obtaining a permit in writing from the commissioners; 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 commissioners. All permits given to enter any such drain or sewer shall be recorded by the clerk of said town before the same are issued.

‘SECT. 8. 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 two years 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 two years from the time said assessments are made; and upon such sale the treasurer of said town 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.

‘SECT. 9. 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 of re-conveyance.

‘SECT. 10. 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.

‘SECT. 11. 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 said town.

‘SECT. 12. All acts and parts of acts inconsistent with this act are hereby repealed, provided, however, this act shall not affect or invalidate in any manner whatever, the proceedings and doings of the municipal officers of the town of Deering in laying out and constructing any drain or common sewer, or in making any assessment or assessments relating to the same prior to the approval of this act, and the provisions of said chapter two hundred and fifty, under which said proceedings were had, are hereby continued in force for the purpose of governing, determining and settling the rights, duties and liabilities of all parties in interest resulting from the proceedings and doings aforesaid of said municipal officers.

‘SECT. 13. This act shall take effect when approved, so that said chapter as amended, shall read as follows :

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Municipal officers, may lay out public drain.

—notice of hearing.

Return, to be filed with town clerk.

Board of commissioners, shall be chosen with authority to construct.

—tenure.

—chairman.

—first election.

—vacancies, how filled.

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.

SECT. 2. A written return of their proceedings in all cases, containing the bounds and measurements 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.

SECT. 3. A board of three commissioners shall be chosen by the town, who shall have jurisdiction over and authority to construct, build, maintain and repair in behalf of the town all the drains and sewers of said town now or that may be hereafter laid out and accepted by said town, under the provisions of sections one and two of this act. The commissioners first elected shall hold their offices, one until the annual March meeting of said town in eighteen hundred and ninety-two, one until the annual March meeting of said town in eighteen hundred and ninety-three, and one until the annual March meeting of said town in eighteen hundred and ninety-four, and until their several successors are elected and qualified. The member having the shortest term to serve shall be chairman of the board. Said commissioners shall be first elected, after the approval of this act, at a special meeting of the inhabitants of said town, called for such purpose, and hold office as above stated, and as said terms severally expire, shall thereafter be elected at the annual March meeting of the inhabitants of said town, and such commissioners so elected shall hold office for the term of three years each and until their several successors are elected and qualified. In case any vacancy shall occur by resignation, declination or otherwise in said board during the term for which any member shall have been elected, the municipal officers of said town may fill such vacancy for the remainder of the year, by the written appointment of some suitable person to serve on said board.

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SECT. 4. When said drain or sewer is completed, said commissioners shall adjudge what parcels of land are benefited by such drain or sewer, whether abutting upon any street through which such sewer may be built or otherwise, and whether the same is occupied or not, 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; said commissioners 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 said commissioners 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.

Assessments,
to be made on
lands benefited.

—amount.

—location of
sewer and
assessments,
to be recorded.

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

—assessments,
may be
revised.

SECT. 5. Any person who is aggrieved by the doing of said municipal officers in laying out said sewer or by the doings

Location and
assessments,
how determined

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in case any person is aggrieved.

of said commissioners in 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 commissioners, 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.

Damage to land owner, shall be paid by town.

SECT. 6. Whenever, in the judgment of said commissioners, the building of such drain or common sewer shall damage any land owner, the said commissioners 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.

Conditions upon which private drain may enter public sewer.

SECT. 7. 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 assessments are made, on obtaining a permit in writing from the commissioners; 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 commissioners. All permits given to enter any such drain or sewer shall be recorded by the clerk of said town before the same are issued.

—permits, shall be recorded.

Lien, created on land by assessments.

SECT. 8. 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 two years 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 two years from the time said assessments are made; and upon such sale the treasurer of said town 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.

—how enforced.

SECT. 9. 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 of re-conveyance.

Lots, may be redeemed.

SECT. 10. 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.

If assessments are not paid or enforced, town may maintain action.

SECT. 11. 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 said town.

Estate, may be bid on by municipal officers.

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Inconsistent
acts, repealed.

SECT. 12. All acts and parts of acts inconsistent with this act, are hereby repealed, provided, however, this act shall not affect or invalidate, in any manner whatever, the proceedings and doings of the municipal officers of the town of Deering in laying out and constructing any drain or common sewer, or in making any assessment or assessments relating to the same prior to the approval of this act, and the provisions of said chapter two hundred and fifty, under which said proceedings were had, are hereby continued in force for the purpose of governing, determining and settling the rights, duties and liabilities of all parties in interest resulting from the proceedings and doings aforesaid of said municipal officers.

SECT. 13. This act shall take effect when approved.

Approved March 25, 1891.

Chapter 305.

An Act to authorize the trustee of certain real estate, held for the benefit of the Congregational Church and Society of Ellsworth, to sell and convey the same.

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

Trustee,
authorized to
convey
property.

Any successor, duly appointed, to the trustees named in a deed from Sabine Pond and another to Andrew Peters and others, trustees, dated September twentieth, eighteen hundred and forty-two and recorded in book seventy-two, page five hundred and twenty-five of Hancock county registry of deeds, which conveyance was made for the purpose of furnishing a convenient lot for the erection of a parsonage by the Congregational church and society of Ellsworth, is hereby authorized to sell and convey in fee, the property described in said conveyance. The proceeds of such sale to be used for the same purpose as that named in said deed.

Approved March 27, 1891.