

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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—Portland trust company not to make reports to bank commissioner.
—returns shall be made by Fidelity trust company.

or in the name of said Portland Trust Company if required, and be subject to, all the duties, relations, obligations, trusts and liabilities of said Portland Trust Company whether as debtor, depository, registrar, transfer agent, executor, trustee or otherwise, and be held liable to pay and discharge all such debts and liabilities and perform all such duties and trusts in the same manner and to the same extent as if said Fidelity Trust Company had itself incurred the obligation or liability or assumed the duty, relation or trust; and no suit, action or other proceeding pending before any court or tribunal in which said Portland Trust Company is a party shall be deemed to have abated or discontinued by reason of such merger. No reports or returns to the bank commissioner or otherwise shall be required of said Portland Trust Company when so merged, but all returns required by law shall be made by the Fidelity Trust Company and shall include all assets, liabilities and trusts of said Portland Trust Company received or assumed by said Fidelity Trust Company under said merger. No other corporation shall use or take the name of Portland Trust Company without the consent of said Fidelity Trust Company.

Approved March 10, 1911.

Chapter 87.

An Act additional to Chapter four hundred and six of the Private and Special Laws of eighteen hundred and fifty, entitled "An Act creating the Norway Village Corporation," as amended by Chapter four hundred and fifty-one of the Private and Special Laws of eighteen hundred and fifty-one, Chapter three hundred and fourteen of the Private and Special Laws of eighteen hundred and seventy, Chapter one hundred and eighty-five of the Private and Special Laws of eighteen hundred and seventy-five, Chapter three hundred and nine of the Private and Special Laws of nineteen hundred and one, Chapter two hundred and fourteen of the Private and Special Laws of nineteen hundred and five, relating to a public sewer for said Corporation.

Be it enacted by the People of the State of Maine, as follows:

Assessors shall assess sewer tax.

Section 1. It shall be the duty of the assessors of the Norway Village Corporation, when said corporation, 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 occu-

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pied 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 village corporation. Said corporation assessors shall file with the clerk of said village corporation 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 village corporation 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 village corporation, 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 village; if he has no place of abode in said village, then such notice shall be given or left at the abode of his tenant or lessee, (if he has one in said village; if he has no such tenant or lessee) in such village, 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 village, 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 village, or the production of the paper containing such notice, shall be conclusive evidence that said notice has been given, and upon such hearing, the corporation assessors 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.

—a just and equitable sum.

—not to exceed three-fourths of cost of drains or sewer.

—shall file locations of drains and sewers.

—clerk shall record locations.

—person assessed shall be notified.

—notification, how given.

Section 2. Any person who is aggrieved by the doings of said corporation assessors 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 Oxford, 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 the chairman of the board of corporation assessors or corporation clerk, fourteen days at least before the session of said

Appeal from assessors, how taken.

—appellants shall serve notice.

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—shall file complaints.

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 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.

Private drains to be connected with public drain or sewer.

Section 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 corporation assessors, 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 a permit in writing is obtained from the village corporation treasurer, by authority of the corporation assessors. All permits given to enter any such drain or sewer shall be recorded by the corporation clerk of said village corporation before the same are issued.

—permit to be obtained.

Annual assessments of one tenth of principal sum.

Section 4. The total amount of said assessment shall be assessed in annual assessments of one-tenth part of the principal sum of said total amount of said assessment, apportioned among the lots or parcels of land determined to be benefited under section one of this act in the same proportions the assessed values of said lots or parcels of land bear to the total assessed value of the land benefited, and shall be included as a part of the annual Norway Village Corporation tax against such lots or parcels of land in each and every year until the full amount of the said assessment is paid, with necessary interest on corporation bonds which may be issued for that purpose. And the part of said assessment so assessed shall annually create a lien on every lot or parcel or parcels of land so assessed, which lien shall be of the same character as the lien for other taxes, and shall be enforced in the same manner if not paid.

—sewer assessment shall be included in annual tax.

—annual assessments shall constitute a lien.

Delinquent assessment, how collected.

Section 5. If said assessments are not paid, and said village corporation 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 village corporation, in the name of the said village corporation, 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

—may sue for.

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on the same from the date of said assessments, together with costs.

Section 6. 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 sections twenty-nine to forty-five inclusive, of chapter ninety-three, revised statutes, which lien shall continue one year after said assessment is paid.

Assessments paid by non-owners to constitute a lien.

Section 7. Whenever it shall appear to the board of health of the town of Norway, that any cellar or lot of land lying in said village within two hundred feet of any public drain or common sewer, constructed or maintained by said village corporation, or that any private drain draining into the gutter of any street, way, lane or alley or upon neighboring property within two hundred feet as above provided, in said village, or into Pennesseewassee stream, so-called, or into any branch or tributary thereof, within two hundred feet as above provided, 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 corporation assessors, 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 corporation assessors; 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.

Board of health may order entrance to sewer.

—board of health shall give notice.

—may connect premises, if a nuisance.

Section 8. For the construction or repair of any public drain or common sewer, the Norway Village Corporation shall have authority to enter upon any land in said village, and take the same for said purposes, and to lay said sewer over, across and through said lands, when in the opinion of the corporation as-

Corporation may enter lands.

—may lay sewers.

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—shall file description of lands taken.

—damages, how determined.

—notices, how given.

—amount of assessment shall be returned to corporation clerk.

—appeal, how taken.

Subsequent entrance to sewer, to provide for.

May take water to flush sewer.

sessors it is for public interest so to do. Said corporation assessors shall within thirty days after such taking, file in the registry of deeds for Oxford county a description of the lands so taken and the course of said drain or sewers. All damages occasioned by reason of any such taking shall be determined by said corporation assessors, 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 village 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 corporation assessors shall, within five days after such hearing, file their return with the corporation 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, shall have the right to appeal to the supreme judicial court in which the same proceedings shall be had as in case of appeal from the decision of county commissioners in case of damages for lands taken for highways.

Section 9. If at any time prior to the final payment of the last installment of said assessment, the owners of any lots or parcels of land not included in the original determination of the assessors as provided in section one of this act shall desire to connect with said sewer, and shall obtain a permit therefor as provided in section three, said lots or parcels of land may thereafter be included in the annual assessment as if they had been originally included in the lots or parcels determined to be benefited, and shall be subject to the same tax and same annual lien until the debt for said sewerage system is fully paid.

Section 10. Norway Village Corporation is hereby empowered to take water from Pennesseewassee lake, stream or bog, so-called, for the purpose of flushing said sewer, and may enter upon land and lay pipes, over and across the same, as provided in section eight.

Approved March 10, 1911.