

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

*1913*

Including Acts and Resolves of the Special Session held  
in 1912.

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

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

***1913***

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CHAP. 89 dred five be and is hereby amended by adding thereto the following:

“The amount so to be severally paid by each of said towns shall be computed and fixed by the county commissioners of said county and said several amounts shall be added to, included in, and become and be a part of the county tax next assessed against said towns,” so that said section as amended shall read as follows:

‘Section 2. The towns of Wiscasset, Edgecomb, Boothbay, Boothbay Harbor and Southport, assisted by the county of Lincoln, shall employ a suitable draw tender and keep said bridge in repair. The cost of maintaining said bridge shall be borne by said county and towns as follows: The county of Lincoln shall pay three hundred dollars annually, and the said towns shall pay the balance of the expense in the following proportion: Wiscasset, eight-twentieths; Edgecomb, four-twentieths; Boothbay, three-twentieths; Boothbay Harbor, four-twentieths, and Southport, one-twentieth. The amount so to be severally paid by each of said towns shall be computed and fixed by the county commissioners of said county and said several amounts shall be added to, included in, and become and be a part of the county tax next assessed against said towns.’

Approved March 12, 1913.

**Chapter 89.**

An Act to Amend Chapter One Hundred of the Private and Special Laws of Eighteen Hundred Ninety-one, as Amended by Chapter Five Hundred Six of the Private and Special Laws of Eighteen Hundred Ninety-three, Relating to Drains and Common Sewers in the City of Rockland.

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

That chapter one hundred of the private and special laws of eighteen hundred ninety-one as amended by chapter five hundred six of the private and special laws of eighteen hundred ninety-three, be and is hereby amended so as to read as follows:

‘Section 1. Whenever the city council shall determine by vote to build any permanent drain or sewer in said city, it shall be lawful to assess the lots or parcels of land adjacent to and bounded on said streets or ways in which such drain or sewer is built, in such proportion as the said lots are benefited or made more valuable by such improvements. No lot or parcel of land shall be assessed more than one-third of the cost upon each side of street or way in which said drain or sewer is built, the amount assessed shall not exceed two-thirds of the cost, the city to pay not less than one-third of the cost of said drain or sewer. The

Employment of draw tender and repair of bridge, regulated.

—cost of maintenance, how borne.

—amount to be paid by each town to be fixed by county com'rs.

Chapter 100 of P. & S. laws of 1891, as amended by chapter 506, P. & S. laws of 1893, further amended. Adjacent lots may be assessed.

—assessments, how proportioned.

amount to be assessed upon said lots shall be determined by the board of assessors, added to the annual tax, and committed to the collector for collection in the same manner as other taxes and there shall be the same lien upon the real estate so assessed that there is in the case of other taxes. Property owners who are aggrieved by the assessments aforesaid may have the right, so far as relates to said assessments, to appeal therefrom to the supreme judicial court, which shall determine the amount to be paid in the same manner that land damages are to be determined under the provisions of section nineteen of the city charter.

'Section 2. It shall be the duty of the assessors of Rockland, when the city has constructed 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 owners thereof, or persons in possession, or against whom the taxes thereon shall be assessed, whether said person to whom the assessment is 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 toward defraying the expenses of constructing and completing such drain or sewer, the whole of such assessment 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 repair by said city. The joint standing committee on drains and sewers after the completion of a drain or sewer by the city, shall file with the assessors the location of such drain or sewer, with a profile description and detailed cost of the same, showing the lots or parcels of land adjacent to and benefited by the same, and the names of the owners of such lots or parcels of land.

'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, by obtaining a permit in writing from the joint standing committee on drains and sewers having the construction of same in charge; but the person so entering shall pay his assessment when the amount is fixed by the assessors; but after the same is completed no person shall enter the same until he has obtained a permit in writing from the city clerk and countersigned by the city treasurer. The price of such permit shall be five dollars, payable to the city treasurer at the time of issuing said permit. All permits given to enter any such drain or sewer shall be recorded by the city clerk before the same are issued.

CHAP. 89

—assessments to be determined by assessors.

—shall constitute a lien.

—appeal, how taken.

Duties of assessors.

—committee on drains and sewers shall file locations.

Entrance to sewer may be made during construction.

—permits after completion to be obtained from city clerk.

—price of permit.

## CHAP. 89

Board of health of Rockland may abate nuisances.

—notice to owner shall be given.

—committee on sewers may connect premises with sewer.

—owners of property liable for expense thereof.

City may take lands.

—municipal officers shall file locations of lands taken.

—damages, how determined.

—appeal from award, how made.

'Section 4. 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 Lindsay 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 such nuisance, the joint standing committee on drains and sewers 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 the assessors. If said amount is not paid it shall be added to the assessment of taxes by the 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 the general law, relating to the assessment and collection of taxes.

'Section 5. 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 the public interest to do so. Said municipal officers shall within thirty days after such taking, file in the registry of deeds for Knox county, a description of the land 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 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 lot or parcel 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 said clerk, have the damages determined by arbitration and if the award determined by arbitrators be unsatisfactory to either party, the party aggrieved shall have the right to appeal to the supreme judicial court in

which the same proceedings shall be had as in case of damages for lands taken for highways. CHAP. 90

'Section 6. All acts or 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 previous to nineteen hundred twelve.'

Inconsistent acts repealed.

—act shall not apply to sewers constructed previous to 1912.

Approved March 12, 1913.

### Chapter 90.

An Act to Incorporate the Rockland Public Utilities District.

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

Section 1. The territory embraced within the city of Rockland, in the county of Knox and state of Maine, and the inhabitants thereof, are hereby constituted a body politic and corporate, and are hereby made and declared to be a quasi-municipal corporation and to be within section ninety-six of chapter forty-seven of the revised statutes of Maine, under the name of the Rockland Public Utilities District.

Territorial limits.

Section 2. The purposes of said corporation are, the acquiring, owning, holding, managing and operating public utilities of every kind, for the use and benefit of, and the supplying therewith, said territory and the inhabitants thereof, and the inhabitants of territory adjacent thereto, including the right to own and develop the water front of Owls Head Bay, and establish, own and control, wharves, docks and public landings therein; provided this corporation shall not have the right to, and shall not engage in the business of furnishing or furnish such public utilities as are now being supplied within said territory under authority of the legislature, until the legislature shall have further fixed and prescribed the manner and conditions thereof.

—corporate name.  
Purposes of the corporation.

proviso.

Section 3. For the carrying out of said purposes said corporation is authorized; to take and hold by purchase, gift, bequest, devise or otherwise, all real estate and personal property which may be deemed necessary therefor, and to mortgage, sell, lease, or otherwise dispose of the same; to receive and administer any trust fund, given or established to enable it to carry out its purposes, and any trust established for the general welfare of the inhabitants of said district; to issue bonds for raising money necessary for its purposes, which shall be an indebtedness of said corporation, and primarily a lien upon the property acquired and owned by it, not including property which may be held in trust; provided, however, that no bonds shall be issued

Corporation may acquire and hold real and personal property.

—may receive trust funds.

—may issue bonds.

—proviso.