

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fifth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-fifth Legislature

1951

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Town of Southport authorized to withdraw from Boothbay Region Community School District. The inhabitants of the town of Southport, a body corporate, is hereby authorized to withdraw from the Boothbay Region Community School District, such withdrawal to be effective immediately.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective May 4, 1951

Chapter 176

AN ACT Amending the Auburn Sewerage District.

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

P. & S. L., 1917, c. 193, §§ 10 and 11, repealed and replaced. Sections 10 and 11 of chapter 193 of the private and special laws of 1917 are hereby repealed and the following enacted in place thereof:

'Sec. 10. Assessment of abutters. So much of the general laws of the state relating to the construction of drains and common sewers as authorize the assessment against lots benefited thereby of an amount not to exceed $\frac{1}{2}$ of the cost of said drain or sewer shall not apply to assessments made under this act. In lieu thereof the owners of estates benefited and abutting on streets or ways public or private, in which sewers shall hereafter be laid under the provisions of this act shall pay to said sewerage district toward defraying the cost of such sewers, systems of sewerage and sewage disposal an assessment or charge as follows: 25c a linear foot of frontage of such estates on any street or way where a sewer is constructed, and 1c a square foot computed upon the area of such estates within a fixed depth of 150 feet from such street or way; provided, however, that in no case shall an assessment be made that shall exceed the special benefit to the estate assessed; also, that no assessment shall be made upon any estate, which, by reason of its grade or level, or for any other cause cannot be drained into such sewer, until such incapacity is removed; and provided, also, that when such estates abut upon more than one such street or way, such linear assess-

ment shall be made upon the whole of the largest frontage, and 75 feet of the frontage upon such other street or way shall be exempt from such assessment, but all length in excess of said 75 feet upon such other street or way shall be subject to said assessment. Whenever, after the effective date hereof, in order to provide for sewerage disposal, it shall become necessary to construct sewerage disposal tanks or treatment plants, then, until the full cost thereof has been recovered by the sewerage district, the owners of estates benefited thereby shall pay to said sewerage district such additional sum or sums as the sewerage district shall fix and determine to be the proportional part of the cost of said construction by which each estate is benefited, not to exceed, however, the sum of \$150 for each dwelling house or other structure from which an entrance is made into said sewerage disposal tank or treatment plant. The remainder of the cost of said system, or systems, shall be borne by said sewerage district. No other sewer from any estate or part of an estate shall be entered into a common sewer except upon such terms and conditions as the sewerage district shall fix and determine.

Any person not satisfied with the amount for which he is assessed for entering a sewer connected to a sewerage disposal tank or treatment plant may within 10 days after receipt by him of notice of the amount of his assessment by request in writing given to the clerk of the district have the assessment upon his lot or parcel of land determined by arbitration. The trustees shall nominate 6 persons who are residents of the city of Auburn, 2 of whom selected by the applicant with a third resident person selected by said 2 persons shall fix the sum to be paid by him which sum shall not exceed the original assessment and the report of such referees made to the clerk of the district and recorded by him shall be final and binding upon all parties. Said reference shall be had and the report of the referees made to said clerk within 30 days from date of receipt of notice by said clerk of the request for arbitration.

Sec. 11. Collection of abutters' assessment. Upon the completion of any sewer in any street or way, public or private, or of any sewerage disposal tank or treatment plant, included within any system now constructed or hereafter to be constructed, and when the same is ready for use, the sewerage district may file a certificate with its clerk designating the street or way, or part thereof, in which the sewer has been completed, and setting forth the names of the owners of the estate abutting and benefiting and the amount of assessment or charge to be paid by each, and referring to the plan on file in the office of said district, which plan shall show frontage, the area assessed, the name of the owner and the amount of the assessment of each estate abutting and benefited on said street or way; and the clerk shall forthwith, upon the receipt of such certificate, make a demand in writ-

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ing for the payment of said assessment or charges, and every such owner shall within 3 months after such demand is served on him, or on the occupant of his estate, or sent by mail to the last address of said owner known to the clerk, pay the sum so assessed or charged, to the clerk. If said assessments are not paid within said 3 months, or within 3 months from the filing of a report by arbitrators if arbitration has been requested as provided in the preceding section, then the said sewerage district in its own name may 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 6% interest on the same from the date of said assessment and costs, and no person, whether the owner of the estate abutting and benefiting at the time said assessment or charge is made or not, shall have the right to connect to any sewer in any street or way, public or private, included within any system now constructed or hereafter to be constructed, unless and until said assessment or charge shall have been paid.'

Effective August 20, 1951

Chapter 177

AN ACT to Amend the Charter of the City of Bath.

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

Sec. 1. P. & S. L., 1947, c. 82, c. II, § 205, amended. Section 205 of chapter II of chapter 82 of the private and special laws of 1947, as amended by section 2 of chapter 3 of the private and special laws of 1949, is hereby further amended to read as follows:

'Sec. 205. **Ward revision.** The said city shall continue to be divided into 7 wards with the now existing boundaries; except that it shall be the duty of the city council each 10th year, commencing with the year 1950, inclusive to review, and if needful to alter, the ward lines in such manner as to preserve as nearly as may be convenient, consistent with well-defined boundaries, an equal number of voters in each ward.'

Sec. 2. P. & S. L., 1947, c. 82, c. II, § 218, amended. Section 218 of chapter II of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 218. **Quorum.** A majority of the 14 members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent