

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 136

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*In Senate Feb. 18, 1915.*

*Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.*

*Committee on Conference.*

*Presented by Mr. Durgin of Piscataquis.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIFTEEN

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AN ACT to incorporate the Harmony Water Company.

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

Section 1. John S. Williams and Henry A. Elliott, both  
2 of Guilford, in the County of Piscataquis, Fred S. Burrill  
3 and J. Howard Haley, both of Hartland, in the County of  
4 Somerset, with their associates and successors, are hereby  
5 made a body corporate by the name of the Harmony Water  
6 Company, for the purposes of conveying to and supplying  
7 the inhabitants of the town of Harmony, in said County  
8 of Somerset, with water for all domestic, sanitary, municipal  
9 and commercial purposes, and also for sewerage said town

10 of Harmony, with all the rights and privileges, and subject  
11 to the liabilities and obligations incident to similar corpo-  
12 rations.

Sect. 2. Said corporation may take and hold by purchase  
2 or otherwise, real and personal estate necessary and con-  
3 venient for the purposes aforesaid, not exceeding one hun-  
4 dred thousand dollars.

Sect. 3. For all the purposes aforesaid, or for the pres-  
2 ervation and purity of said water said corporation is hereby  
3 authorized to take and use water from Perry Pond, so  
4 called, in said Harmony, or from any waters tributary to  
5 Moose Pond in said Harmony and said Hartland, to con-  
6 duct and distribute the same into and through the said town  
7 of Harmony, to survey for, locate, lay, erect and maintain  
8 suitable dams, reservoirs, machinery, pipes, aqueducts and  
9 fixtures, to carry its pipes or aqueducts over or under any  
10 water course, bridge, street, railroad, highway, or other way,  
11 and also to lay and maintain pipes, conduits and other equip-  
12 ment for carrying, collecting and disposing of sewerage,  
13 sewerage matter, waste and waters in said town of Har-  
14 mony, and to enter upon and excavate any way in such  
15 manner as least to obstruct the same, to enter upon, pass  
16 over, and excavate any lands, and to take and hold by pur-  
17 chase or otherwise any real estate, rights of way or of water,  
18 and in general to do any acts necessary, convenient, or prop-  
19 er for carrying out the purposes hereinbefore specified.

And said corporation is further authorized for the pur-

21 poses hereinbefore stated, and for the making of all needed  
22 repairs, or connections, to lay its pipes through or over any  
23 lands, public or private, and through, across, under, or  
24 along any way, public or private, with the right to enter  
25 thereon and dig therein; and said corporation may estab-  
26 lish written regulations for the use of said water, or sew-  
27 erage services, and change the same from time to time.

Sect. 4. Said corporation shall file in the registry of deeds  
2 in the County of Somerset plans of the location of all land  
3 and water rights taken under the provisions of this act; and  
4 no entry shall be made upon any lands except to make sur-  
5 veys until the expiration of ten days from said filing; and  
6 with such plan said corporation may file a statement of the  
7 damages it is willing to pay to any person for any property  
8 thus taken, and if the amount finally awarded does not ex-  
9 ceed that sum the corporation shall recover costs against  
10 said corporation.

Sect. 5. Said corporation shall be held to pay all damages  
2 that shall be sustained by any person or persons, to them-  
3 selves or their property, occasioned by the use of said streets  
4 or highways, and shall pay to said towns, or either of them,  
5 all sums of money recovered against them, or either of them,  
6 from obstruction occasioned by said corporation, and for  
7 all expenses including reasonable counsel fees, incurred de-  
8 fending such suits, with interest on the same, but said cor-  
9 poration may assume the defence in such suits brought to  
10 recover damages as aforesaid; and also for all damages

11 sustained by any person or persons, by the taking of land,  
12 water, rights of way, or other property, or by excavating  
13 through any lands for the purpose of surveying, locating,  
14 laying or building dams, reservoirs, pipes, aqueducts, and  
15 from any other injuries resulting from said acts; and if  
16 any person or persons sustaining damage as aforesaid shall  
17 not agree with said corporation upon the sum to be paid  
18 therefor, either party upon petition to the County Commis-  
19 sioners of Somerset County, within twelve months after  
20 said plans are filed, may have the said damages assessed by  
21 them, and subsequent proceedings and right of appeal there-  
22 on, shall be had in the same manner and under the same  
23 conditions, restrictions and limitations as are by law pre-  
24 scribed in the case of damages by the laying out of high-  
25 ways.

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

Said corporation shall have the right to begin to occupy  
29 such lands or rights for its corporate purposes before the  
30 rendition of final judgment.

Sect. 6. Said corporation is hereby authorized to make  
2 contracts with any other corporations, individuals, the said  
3 town of Harmony and any village corporation in the same,  
4 and with any fire or water district in said Harmony, for the  
5 purpose of supplying water as contemplated by the pur-  
6 poses of this act and organization.

Sect. 7. The capital stock of said corporation shall not  
2 exceed one hundred thousand dollars.

Sect. 8. Said corporation is hereby authorized to issue  
2 bonds not exceeding in amount one-half of its capital stock,  
3 the same to be a first lien upon its franchises and property.

Sect. 9. The first meeting of said corporation may be  
2 called by written notice thereof, signed by two corporators  
3 named therein, served upon each corporator by giving him  
4 in hand the same, or by leaving the same at his last or usual  
5 place of abode, seven days at least before the time of  
6 meeting.

STATEMENT OF FACTS TO ACCOMPANY BILL ENTITLED "AN ACT TO INCORPORATE THE HARMONY WATER COMPANY, SPECIAL LAWS 1911, CHAPTER 282."

The charter of the Hartland Water Company includes the town of Harmony. The Hartland Water Company has controlled its system which furnishes the town of Hartland with water according to the terms of its charter. Its issue of water is not sufficiently large to control a separate system of said town of Harmony, and this bill is introduced by the same incorporate of the Hartland Water Company to save obtaining a special act to increase the stock of Hartland Water Company in order to control a system in said town of Harmony.