

# MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

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**Legislative Document**

**No. 284**

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H. P. 837

House of Representatives, Jan. 31, 1935.

Referred to Committee on Legal Affairs and 500 copies ordered printed.  
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Haskell of Windham.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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**AN ACT to Make Valid the Doings of the Harrison Water Company and  
to Define and Confirm Its Powers.**

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

**Sec. 1. Organization ratified and confirmed.** The organization of the Harrison Water Company, a corporation organized under the general laws of the state of Maine, for the purpose of owning, conducting, maintaining and operating a water system in the town of Harrison in the county of Cumberland and installing and maintaining pumps, reservoirs, aqueducts and hydrants and doing any and all acts and things incidental, ancillary, related, pertaining, necessary or proper or connected with any or all the purposes in this clause mentioned certificate of which is filed with the secretary of state, is hereby ratified and confirmed.

**Sec. 2. Source of supply; authorized to construct and maintain dams, reservoirs, etc.** Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs, except such springs as are in actual use for domestic purposes, ponds, streams, or other water sources, in said Harrison, and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

**Sec. 3. Authorized to lay pipes through public ways, and to make repairs; responsibility for damages.** Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions as the selectmen of said town may impose. It shall be responsible for all damages to persons and property occasioned by the use of such highways, ways, and streets, and further shall be liable to pay to said town all sums recovered against said town for damages for obstruction caused by said company, and for all expenses, including reasonable counsel fees in defending such suits, with interest on the same, provided said company shall have notice of such suits and opportunity to defend the same.

**Sec. 4. Authorized to cross water courses and sewers; construction in streets to be done without unnecessary delay to public travel.** Said company shall have power to cross any water course, private and public sewer, or to change the direction thereof when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof, and it shall be liable for any injury caused thereby. Whenever said company shall lay down any fixtures in any highway, way or street, or make any alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall, at its own expense, without unnecessary delay, cause the earth and pavements there removed by it to be replaced in proper condition.

**Sec. 5. Authorized to take and hold waters and lands necessary for its uses; may enter upon lands to make surveys.** Said company may take and hold any waters as limited in section 2, and also any lands necessary for reservoirs, and other necessary structures, and may locate, lay and maintain aqueducts, pipes, hydrants and other necessary structures and fixtures in, over and through any lands for its said purposes and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and location, and shall file in the registry of deeds for said county of Cumberland, plans of such location and lands, showing the property taken, and within 30 days thereafter, public notice of such filing in some newspaper in said county, such publication to be continued 3 weeks successively.

**Sec. 6. Procedure when company and land owner fail to agree on damages.** Should said company and the owner of such lands so taken be unable to agree upon the damages to be paid for such location, taking, holding and construction, the damages shall be assessed in accordance with the laws applicable to the assessment of damages for ways taken by railroads, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner or deposit for his use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within 90 days after notice of final judgment shall have been received by the clerk of courts of said county, the said location shall be hereby invalid, and said company forfeit all rights under the same as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than were tendered by said company, he shall recover costs, otherwise said company shall recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond with said county commissioners, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against said company for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Failure to apply for damages within 3 years by the land owner, shall be held to be a waiver of the same.

**Sec. 7. Water rights damages, how assessed.** Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment thereof shall be made in the same manner and with the same effect. No action shall be brought for the same until after the expiration of the time of payment. And a tender by said company may be made with the same effect as in the preceding section.

**Sec. 8. Company authorized to make contracts for supply of water.** Said corporation is hereby authorized to make contracts with the United States, and with corporations, inhabitants of said town of Harrison or any village corporation therein for the purpose of supplying water as contemplated by this act; and said town of Harrison by its selectmen, or any such village corporation by its assessors, is hereby authorized to enter into contract with said company for a supply of water for public uses, on such terms and for such time as the parties may agree, which when made, shall be legal and binding on all parties thereto, and said town of Harrison

or any village corporation therein, for this purpose, may raise money in the same manner as for other municipal charges.

**Sec. 9. Right to hold property.** Said company for all its purposes, may hold real and personal estate necessary and convenient therefor.

**Sec. 10. Capital stock.** The capital stock of said company shall be \$25,000 which may be from time to time increased by vote of said company not to exceed \$200,000, and shall be divided into shares of \$100 each.

**Sec. 11. Authorized to issue bonds subject to approval of public utilities commission.** Said company may, subject to the approval of the public utilities commission, issue its bonds for the construction of its works and for other purposes of its incorporation of any and all kinds upon such rates and time as it may deem expedient, to an amount not exceeding the amount of the capital stock subscribed for, and secure the same by mortgage of its franchise and property.

**Sec. 12. Ratification of existing locations.** All existing locations or any part or parts of the works or any part of said Harrison Water Company in any streets, ways, parks, squares or any other public place are hereby ratified and confirmed.

**Sec. 13. Existing statutes not affected; subject to provisions of R. S., c. 62.** Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute. And all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 62 of the revised statutes, and acts amendatory thereof and additional thereto.