

# MAINE STATE LEGISLATURE

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# EIGHTY-FIFTH LEGISLATURE

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**Legislative Document**

**No. 587**

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S. P. 203

In Senate, Feb. 13, 1931.

Reported by Senator Crosby of Penobscot from Committee on Legal Affairs and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTY-ONE

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AN ACT Relating to the Seal Cove Water Company.

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

Section 1. Without in any wise limiting or restricting its purposes or the powers conferred upon it by the general law, the Seal Cove Water Company is hereby authorized and empowered to do any and all things and to have any and all of the powers set forth in paragraph one, two, three, four, and seven of its purposes as set forth in its certificate of organization, and requiring special authorization of the legislature, to the same extent as if said company had been specially chartered.

Sec. 2. No person shall wilfully pollute any body of water from which the said corporation may draw water for its corporate purposes, nor shall any person wilfully injure any of the property of said corporation or wilfully interrupt or hinder the flow of water through its pipes or works, under a penalty of a fine not exceeding five hundred dollars or imprisonment for not exceeding eleven months.

## STATEMENT

Purposes as set forth in certificate of organization and copy of approval of Public Utilities Commission.

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The purposes of the said Seal Cove Water Company as set forth in its certificate of organization are as follows:

"One. To furnish water for domestic, sanitary, industrial, municipal, or other uses to the town of Tremont in the County of Hancock and State of Maine and the inhabitants thereof; for the aforesaid purposes to purchase or otherwise acquire the right to take, collect, store, use, and distribute water from Seal Cove Pond in said town of Tremont and from any springs, wells, brooks, streams, lakes, ponds, or other sources, the water of which it has or may acquire the legal right to use; to purchase or otherwise acquire, locate, construct, lay down and maintain reservoirs, dams, pumping stations, stand pipes, gates, sluices, hydrants, pipes, pipe lines, mains, and all other structures, fixtures, conveniences, or appliances necessary, convenient or useful in connection with acquiring and supplying water for any or all of the aforesaid uses, and for said purposes to purchase, lease, or otherwise acquire, and to sell, mortgage, or otherwise dispose of, real estate and personal property.

Two. To lay, relay, construct, replace, repair, and maintain under, through, along and across the highways, streets and bridges in said Tremont, all such pipes and appliances set forth in the preceding paragraph as may be necessary, convenient or useful in carrying out the purposes of this corporation under such reasonable restrictions and conditions as the selectmen of said town of Tremont may impose.

Three. To cross any water course, private or public sewer, or to change the direction thereof when necessary for the purpose of its incorporation, but in such manner as not to obstruct or impair the use thereof, said company to be liable for any injuries caused thereby.

Four. To take and hold by purchase or otherwise, including by the right of eminent domain, any waters as limited by paragraph one hereof, and also any land necessary for flowage or for any of the purposes of this corporation as set forth in

paragraph one hereof; provided, however, that not more than two rods in width of land shall be taken by the right of eminent domain for any one line of pipe or aqueduct and not more than two acres for any other use.

Five. In the purchase or acquisition of property, business, rights or franchises, or for additional working capital, or for any other object in or about its business or affairs, to incur debt, and to raise, borrow and secure the payment of money in any lawful manner, including the issue and sale or other disposition of bonds, warrants, debentures, obligations, negotiable and transferable instruments and evidences of indebtedness of all kinds, whether secured by mortgage, pledge, deed of trust or otherwise.

Six. Without in any particular limiting any of the objects, or purposes or powers of the corporation, the business or purposes of the company shall be from time to time to do any one or more or all of the acts and things herein set forth, and all such other acts, things and business or businesses in any manner connected therewith, or necessary, incidental, convenient or auxiliary thereto, or calculated directly or indirectly to promote the interests of the corporation or enhance the value of or render profitable any of its property or rights, as such a corporation may lawfully do; and in carrying on its business, or for the purpose of attaining or furthering any of its objects, to do any and all acts and things, and to exercise any and all other powers which a co-partnership or natural person could do and exercise, and which now or hereafter may be authorized by law; and in addition to have and to exercise all the rights, powers and privileges now or hereafter belonging to or conferred upon corporations organized under the provisions of law authorizing the formation of such corporations.

Seven. Provided, however, that nothing herein contained shall be construed to authorize the corporation to exercise the right of eminent domain, or to do any other act requiring special authorization of the legislature of the State of Maine, or of the Public Utilities Commission of said State until such corporation has been so specially authorized by said legislature or said commission; and provided further that any lands taken by the right of eminent domain shall be taken and the damages estimated, secured, determined, and paid as provided by Sections 12 to 22, inclusive, of Chapter 69 of the Revised

Statutes of 1930; and provided further that whenever said corporation shall lay down any pipes or fixtures in any highway or street or make any alteration or repairs upon its works in any highway 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 then removed by it to be replaced in proper condition and shall further be liable to reimburse said town of Tremont for all sums recovered against it for damages because of any defect or obstruction created by said company and for expenses in connection therewith, including reasonable counsel fees."

The following is a copy of the recommendations and advice of the Public Utilities Commission, applicable to the foregoing bill.

"Pursuant to Section 13 of Chapter 62 of the Revised Statutes the Seal Cove Water Company has consulted with and sought the advice of this Commission with respect to an appropriate system of water supply to be introduced under the provisions of a proposed act to be presented to the Legislature of Maine at the 85th session.

The Commission having considered the provisions of the proposed bill and the plans for the said system to be introduced thereunder hereby recommend the same within the purview of Section 13 of Chapter 62 of the Revised Statutes hereby referred to.

Given under the hand and seal of the Public Utilities Commission, at Augusta, this 26th day of January, A. D. 1931.

ALBERT J. STEARNS,

HERBERT W. TRAFTON,

ALBERT GREENLAW,

Public Utilities Commission of Maine."

L. S.