

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

HOUSE.

No. 73.

STATE OF MAINE.

The majority of the Committee on Ways and Bridges, to which was referred the Bill entitled "An Act relating to Stroudwater Bridge in the town of Deering," have had the same under consideration and ask leave to report that the same ought to pass.

A. W. Rich, H. F. Dagget, P. B. Young, C. P. Silsby, C. H. Jones, B. L. Sanborn, Albert Whitcomb, S. P. Judkins,	} Majority of Committee.
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AN ACT relating to Stroudwater Bridge in the town of
Deering.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. The bridge formerly known as the Great
2 Bridge, now called Stroudwater Bridge, on Fore River, in
3 the town of Deering, shall hereafter be maintained and
4 kept in repair by said town of Deering, and all legal
5 liability for the support of the same shall be borne by
6 that town.

SECT. 2. This act shall take effect when approved.

A minority of the Committee on Ways and Bridges, to which was referred the Bill entitled "An Act relating to Stroudwater Bridge in the town of Deering," have had the same under consideration, and ask leave to report that the same ought not to pass, and herewith submit their reasons in statement marked "A."

FRANCIS H. WITHAM,
W. M. KIDDER.

STATEMENT OF REASONS FOR MINORITY REPORT.

It appears in evidence that the bridge to which this bill applies lies within the limits of the town of Deering.

The town of Falmouth comprised, in 1786, what are now the towns of Falmouth, Portland, Westbrook and Deering.

In 1786 Falmouth "Neck," now Portland, in area 1,466 acres, was set off and, with 180 acres lying without and adjoining, incorporated as the town of Portland; in 1814 Westbrook was set off from Falmouth, and in 1871 Deering was set off from Westbrook.

The history of the Old town of Falmouth, in the movement to set off the "Neck," shows that there was an agreement among the inhabitants of the town, assented to in town meeting and embodied in the act incorporating Portland, by which the burdens of supporting the many bridges, as well as the other public burdens of the town, were equalized so far as was possible. There were then within the limits of Old Falmouth five (5) large bridges. The territorial extent of the "Neck," now Portland, was extremely small, as compared with that of the rest of the town. It had but one bridge and that lying only in part within its limits. It had two-fifths of the valuation and population.

The division of public burdens seems, under the act incorporating Portland, to have been just and equitable. Portland assumed and undertook to maintain for her share of the bridges lying outside her limits, two (2), viz: the one across Fore

river at Stroudwater, named in this bill, and Pride's Bridge, across Presumpscot river.

Under this compact Portland has maintained these bridges for a century. By numberless acts extending through all this long time, it has acknowledged its obligation to support them. No reason has been shown the minority of your committee why this compact should be broken. On the contrary, there seem to us to be conclusive reasons, aside from the obligations of the contracting parties which we believe should not be set aside by the Legislature, why this compact should not be abrogated.

The town of Deering is so situated, geographically, that it is the neck of the tunnel for a vast amount of travel into and from the city of Portland. In consequence of this, and from its vicinity to the city, it has been obliged to expend annually since 1871, upon its fifty (50) miles of roads and bridges, an average of four dollars and thirty cents on every thousand dollars of its valuation.

Portland expends on about the same length of streets and upon its bridges less than two (2) dollars, annually, on her thousand dollars of valuation. The ability of Portland to support these bridges is now much greater, comparatively, than at the time it assumed this obligation.

The valuation of Portland for 1886 is.....	\$33,433,200
“ “ Deering “ “	2,573,960
“ “ Westbrook for 1866 is.....	2,251,000
Total valuation of the two towns.....	<u>\$4,824,960</u>

Instead of being but four-fifths that of the remaining country, as in 1786, the valuation of Portland is now nearly seven (7) times greater than that of the towns of Westbrook and Deering combined. And it further appeared in evidence that the town of Deering, under its act of incorporation, paid to the town of Westbrook the sum of \$9,800 to equalize the burdens of supporting roads and bridges, and that the bridge to which this bill applies was not taken into account in this equalization.

The passage of this bill would, therefore, render unjust this adjustment of public burdens between Westbrook and Deering in 1871, and also that between Falmouth and Westbrook in 1814; and in our judgment will subject many towns to the danger of having new obligations unjustly imposed upon them and ancient rights taken away.

And for these and other reasons the minority of your committee believe that this bill ought not to pass.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 4, 1887. }

On motion of Mr. FOGG of Portland, tabled and ordered printed, pending acceptance of report.

NICHOLAS FESSENDEN, *Clerk.*