

# MAINE STATE LEGISLATURE

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 244**

House of Representatives, March 8, 1921.

Reported by Mr. Warren from Committee on Public Utilities  
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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

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AN ACT to Authorize the Proprietors of Portsmouth Bridge  
to Discontinue the Public Use of Its Bridges and to Sell Its  
Property and Franchises to and Merge the Same with the  
Boston and Maine Railroad.

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

Section 1. May discontinue the public use of bridges upon  
2 the opening of new free bridge erected under provisions of  
3 chapter forty-four, resolves of nineteen hundred and nine-  
4 teen. Upon completion and opening to travel of a new  
5 free bridge between Kittery, Maine, and Portsmouth, New  
6 Hampshire, under and by virtue of the provisions of chap-  
7 ter forty-four of the resolves of nineteen hundred and nine-  
8 teen, the proprietors of Portsmouth bridge, a corporation

9 chartered by the laws of this state and the laws of New  
10 Hampshire, or the Boston and Maine Railroad, if before  
11 such opening of said new bridge it shall have acquired the  
12 property and franchises of said proprietors of Portsmouth  
13 bridge under and pursuant to the subsequent provisions of  
14 this act, is hereby authorized and empowered to discontinue  
15 the public use of the bridges of said proprietors of Ports-  
16 mouth bridge now maintained between said Kittery and  
17 Portsmouth consisting of one bridge extending from said  
18 Kittery to Ham's Island, so-called, in said Portsmouth, and  
19 a second bridge known as Ham's bridge extending from  
20 said Ham's Island to the mainland in said Portsmouth, and  
21 thereafterwards there shall be no duty or obligation on the  
22 part of said proprietors of Portsmouth bridge or of said  
23 Boston and Maine Railroad in the event above provided,  
24 to maintain said bridges or either of them for the use of  
25 the public (other than the use of the Boston and Maine  
26 Railroad, its successors and assigns) upon payment of toll  
27 or otherwise.

Sect. 2. The Boston and Maine Railroad may acquire the  
2 property and franchises of the proprietors of Portsmouth  
3 bridge. The Boston and Maine Railroad is hereby author-  
4 ized and empowered to acquire, and the proprietors of Ports-  
5 mouth bridge to sell to said Boston and Maine Railroad,  
6 all or any part of the property and franchises of said pro-  
7 prietors of Portsmouth bridge upon such terms and condi-  
8 tions as shall be authorized by majority votes of the directors  
9 and stockholders of said respective corporations taken and

10 had at respective meetings thereof duly and legally called  
11 and held therefor; and upon said acquisition by said Bos-  
12 ton and Maine Railroad of said property and franchises  
13 of said proprietors of Portsmouth bridge, the same shall  
14 be deemed to be merged with said Boston and Maine Rail-  
15 road and may be enjoyed and exercised by said Boston  
16 and Maine Railroad as fully and to the same extent and  
17 in the same manner as otherwise they might or could be  
18 enjoyed or exercised by said proprietors of Portsmouth  
19 bridge; provided, however, that no such sale or merger shall  
20 be valid and binding until the same and all the terms and  
21 conditions thereof shall have been approved by the public  
22 utilities commission.

Sect. 3. The proprietors of Portsmouth bridge or the Bos-  
2 ton and Maine Railroad, if then the owner, may sell or  
3 transfer to the said city of Portsmouth the bridge known  
4 as Ham's bridge. The proprietors of Portsmouth bridge  
5 or the Boston and Maine Railroad, if it shall become the  
6 owner thereof under the foregoing provisions of this act,  
7 is hereby authorized and empowered to sell or transfer to  
8 said city of Portsmouth or to otherwise arrange with the  
9 city of Portsmouth, New Hampshire, to take over, main-  
10 tain and operate its said bridge known as Ham's bridge  
11 between Ham's Island, so-called, and the mainland, in said  
12 Portsmouth which is now maintained for public use, and  
13 thereupon said proprietors of Portsmouth bridge or said  
14 Boston and Maine Railroad, as the case may be, shall be

15 relieved, as upon discontinuance under the provisions of  
16 section one of this act, of any further duty or obligation  
17 to maintain or operate said Ham's bridge for the use of the  
18 public upon payment of toll or otherwise.