

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
Legislature

1921

Chapter 107.

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.

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

Sec. 1. Bridge of Proprietors of Portsmouth Bridge closed to public travel upon opening of free bridge between Kittery and Portsmouth, under certain conditions. Upon completion and opening to travel of a new free bridge between Kittery, Maine, and Portsmouth, New Hampshire, under and by virtue of the provisions of chapter forty-four of the resolves of nineteen hundred nineteen, the Proprietors of Portsmouth Bridge, a corporation chartered by the laws of this state and the laws of New Hampshire, or the Boston and Maine Railroad, if before such opening of said new bridge it shall have acquired the property and franchises of said Proprietors of Portsmouth Bridge under and pursuant to the subsequent provisions of this act, is hereby authorized and empowered to discontinue the public use of the bridge of said Proprietors of Portsmouth Bridge now maintained between said Kittery and Portsmouth consisting of one bridge extending from said Kittery to Ham's island, so-called, in said Portsmouth, and thereafterwards there shall be no duty or obligation on the part of said Proprietors of Portsmouth Bridge or of said Boston and Maine Railroad in the event above provided, to maintain said bridge for the use of the public (other than the use of the Boston and Maine Railroad, its successors and assigns) upon payment of toll or otherwise. Provided, however; that, before discontinuance of said public use, as hereinbefore provided, either the Proprietors of Portsmouth Bridge or the Boston and Maine Railroad shall apply by petition to the public utilities commission to determine:

First: Whether said new free bridge has been completed and opened to travel, and

Second: If so, whether the annual revenue from the public use of said toll bridge, other than its use by the Boston and Maine Railroad, its successors and assigns, for railroad purposes, will be sufficient to pay the expense of the maintenance and operation of said bridge as a toll bridge and of Ham's Bridge so-called, extending from said Ham's island to the mainland in Portsmouth, and fair return on the value of such portion of said bridge as is devoted to a toll bridge and of said Ham's Bridge, and said public use shall not be discontinued if the public utilities commission determines that such revenue will be sufficient for said purposes. Said application may be renewed from time to time by said Proprietors of

Portsmouth Bridge or by said Boston and Maine Railroad either in case the completion of said new bridge should be delayed or the annual revenue from said toll bridge should decrease.

Sec. 2. Boston and Maine Railroad authorized to take over bridges. The Boston and Maine Railroad is hereby authorized and empowered to acquire and the Proprietors of Portsmouth Bridge to sell to said Boston and Maine Railroad, all or any part of the property and franchises of said Proprietors of Portsmouth Bridge upon such terms and conditions as shall be authorized by majority votes of the directors and stockholders of said respective corporations taken and had at respective meetings thereof duly and legally called and held therefor; and upon said acquisition by said Boston and Maine Railroad of said property and franchises of said Proprietors of Portsmouth Bridge, the same shall be deemed to be merged with said Boston and Maine Railroad and may be enjoyed and exercised by said Boston and Maine Railroad as fully and to the same extent and in the same manner as otherwise they might or could be enjoyed or exercised by said Proprietors of Portsmouth Bridge, and for all railroad purposes as heretofore; provided, however, that no such sale or merger shall be valid and binding until the same and all the terms and conditions thereof shall have been approved by the public utilities commission.

Sec. 3. Ham's Bridge from Ham's Island to Portsmouth may be closed to public travel under certain conditions; property may be transferred to city of Portsmouth. The Proprietors of Portsmouth Bridge or the Boston and Maine Railroad, if it shall become the owner thereof under the foregoing provisions of this act, are hereby authorized and empowered upon the completion and opening to travel of said new free bridge, to discontinue the public use of the bridge known as Ham's Bridge, extending from said Ham's Island to the mainland in said Portsmouth, unless requested by the City of Portsmouth to transfer said bridge to said City of Portsmouth. But if said City of Portsmouth shall so request, then said Proprietors of Portsmouth Bridge or said Boston and Maine Railroad shall transfer said bridge to said City of Portsmouth, without compensation, and thereafter said Proprietors of Portsmouth Bridge or said Boston and Maine Railroad shall be relieved of any further duty or obligation to maintain or operate said Ham's Bridge for the use of the public upon payment of toll or otherwise.

Approved April 4, 1921.