

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

(EMERGENCY)

ONE - HUNDREDTH LEGISLATURE

Legislative Document

No. 482

H. P. 330

House of Representatives, January 18, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Revenues for Lewiston Parking District.

Emergency preamble. Whereas, the parking conditions in the City of Lewiston have steadily become more intolerable due to the insufficient number of on-street and off-street parking spaces, there has arisen a condition highly dangerous to the safety and prosperity of the citizens of said city and surrounding towns; and

Whereas, the lack of off-street parking spaces in the City of Lewiston has created a serious problem as to the survival of professional and business establishments in the downtown area; and

Whereas, the assessed valuations of downtown property and personal property is in jeopardy of depreciating, with the resultant loss of tax revenue to the City of Lewiston, due to business failures and professional relocation because of insufficient and inaccessibly convenient off-street and on-street parking areas; and

Whereas, the Legislature enacted chapter 2 of the private and special laws of 1957, creating the Lewiston Parking District, which act was submitted to the voters of the City of Lewiston at the regular municipal election held on the 3rd Monday of February, 1957, upon referendum, and was duly accepted by a majority vote cast at said election; and

Whereas, the said act failed to provide the necessary and proper revenues to enable the said Lewiston Parking District to carry out the purposes for which it was created; and

Whereas, the said parking district has been unable to function because of the lack of said revenues; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1957, c. 2, § 1, amended. The last sentence of section 1 of chapter 2 of the private and special laws of 1957 is repealed and the following sentence enacted in place thereof:

'Said district shall receive the revenues derived from the operation of the city's on-street parking meters to be used for the purposes of said district.'

Sec. 2. P. & S. L., 1957, c. 2, § 5, sub-§ (a), amended. The first paragraph of subsection (a) of section 5 of chapter 2 of the private and special laws of 1957 is amended to read as follows:

'Whenever a reasonable price cannot be agreed upon for the purchase or lease of real property found necessary for the purposes of the district or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown, the district, **with the approval of the board of mayor and aldermen of the City of Lewiston**, is hereby authorized and empowered to acquire by condemnation any such real property, whether wholly or partly constructed, or interest or interests therein and any lands, rights, easements, franchises and other property deemed necessary or convenient for the construction or the efficient operation of the parking areas in the manner hereinafter provided.'

Sec. 3. P. & S. L., 1957, c. 2, § 15, amended. Section 15 of chapter 2 of the private and special laws of 1957 is amended to read as follows:

'Sec. 15. Termination of the district. When all **negotiable notes, bonds and other evidences of indebtedness or obligations of the district** and the interest thereon shall have been paid or a sufficient amount for the payment of **said notes and** of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the **notes and** bondholders and shall continue to be held for that purpose, the district shall be dissolved and the parking areas, its leases, rights, easements, franchises, lands and properties shall become the property of the City of Lewiston and all revenue therefrom shall become payable to the City of Lewiston and the parking areas shall be maintained and operated by said city and all funds of the district not required for the payment of the bonds and all equipment and other property belonging to the district appertaining to the maintenance and operation of the parking areas shall be vested in said city.'

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the City of Lewiston at the next regular city election, or at a special election to be called and held for the purpose within 3 months after approval of this act. Such special election shall be called, advertised and conducted according to the law relating to mu-

municipal elections ; provided that the board of registration in said City of Lewiston shall not be required to prepare, nor the city clerk to post, a new list of voters.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act Relating to Revenues for Lewiston Parking District, passed by the 100th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election ; provided that the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20% of the total vote for all candidates for Governor in said city at the next preceding gubernatorial election.

The result of such election shall be declared by the municipal officers of the City of Lewiston and due certificate thereof shall be filed by the city clerk with the Secretary of State.