

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1163

H. P. 820

House of Representatives, March 6, 1957.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Totman of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Creating the Bangor Parking District.

Emergency preamble. Whereas, the parking conditions in the city of Bangor have become steadily more intolerable; and because of crowded streets, congested intersections and lack of sufficient opportunities to load and unload passengers and freight, there has arisen a condition highly dangerous to the safety and prosperity of the citizens of said city and surrounding towns; and

Whereas, many citizens of said city have urged the immediate enactment of a bill to provide for more parking areas to alleviate the above conditions; 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 the public peace, health and safety; now, therefore,

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

Sec. 1. "Bangor Parking District" created. The following described territory within the city of Bangor in the county of Penobscot shall be and is hereby constituted a body politic and corporate under the name of "Bangor Parking District" for the purposes of acquiring by purchase, or lease, or purchase and lease, or by condemnation, such lots, sites, improvements or places as the district trustees hereinafter provided for may in their discretion deem necessary for the parking of automobiles and other vehicles within the said Bangor Parking District, and for the further purposes of constructing, improving, conducting and operating such lots, sites, improvements or places as an adequate system of off-street parking facilities: all the land and improvements thereon embraced

within the following metes and bounds: Commencing at a point formed by the intersection of the center line of May Street, extended southeasterly and the high water mark of the Penobscot River; thence northwesterly by and along said center line extended and continuing along the center line of May Street to Main Street; thence crossing Main Street and continuing northwesterly along the center line of said May Street produced to the center line of First Street; thence northeasterly along the center line of First Street to the center line of Union Street; thence northwesterly along the center line of Union Street to the center line of High Street; thence northeasterly along the center line of High Street to the center line of North High Street; thence along the center line of North High Street to Hammond Street; thence continuing northerly along the center line of North High Street produced to the westerly bank of the Kenduskeag Stream; thence crossing Kenduskeag Stream to a point on the easterly bank of the Kenduskeag Stream and the center line of Harlow Court; thence northeasterly along the center line of Harlow Court to Harlow Street; thence southerly along Harlow Street to the center line of Cumberland Street; thence northeasterly along the center line of Cumberland Street to the center line of Newton Street; thence southeasterly along the center line of Newton Street to the center line of Spring Street; thence northeasterly along the center line of Spring Street to the center line of Center Street; thence southerly along the center line of Center Street to the center line of Somerset Street; thence easterly along the center line of Somerset Street to the center line of French Street; thence southerly along the center line of French Street to the southerly side line of Penobscot Street; thence easterly along the southerly side line of Penobscot Street for a distance of about 132 feet to a point which is on the dividing line between properties fronting on French Street and properties fronting on Broadway; thence southerly along the dividing line of said properties for a distance of about 353 feet to a point said point being about 107 feet westerly from the westerly side line of Broadway; thence westerly for a distance of about 3 feet to a point; thence southerly for a distance of about 175 feet to the northerly side line of State Street said point being 101 feet easterly from the easterly side line of French Street; thence across State Street and continuing on a straight line which is located midway between the easterly side line of French Street and the westerly side line of Broadway or Stetson Square for a distance of about 308 feet to the northerly side line of York Street; thence across York Street to a point on the southerly side line of said York Street said point being 100 feet easterly from the easterly side line of French Street; thence southerly along the dividing line between the properties fronting on French Street and Oak Street for a distance of 200 feet to a point; thence westerly at right angles to the last described line for a distance of 25 feet to a point; thence southerly along the dividing line of properties for a distance of 100 feet to a point on the northerly side of Hancock Street said point being 75 feet easterly from the easterly side line of French Street; thence crossing Hancock Street to a point on the southerly side line of Hancock Street said point also being 100 feet easterly from the easterly side line of French Street; thence southerly and parrallel to the easterly side line of French Street for a distance of about 87 feet to a point; thence westerly and at right angles to the last described line for a distance of 25 feet to a point; thence southerly along the dividing line between properties for a distance of about 54 feet to a point; thence easterly along the dividing line of properties for a distance of 25 feet to

a point; thence southerly and parallel with the easterly side line of French Street for a distance of 150 feet to a point; thence westerly at right angles to the last described line for a distance of 25 feet to a point; thence southerly and parallel with the easterly side line of French Street to the northerly side line of Washington Street a distance of 100 feet; thence across Washington Street and continuing on the same line parallel with the easterly side line of French Street and 75 feet easterly therefrom to the high water mark of the Penobscot River; thence westerly along the high water mark of the Penobscot River to Kenduskeag Stream and crossing Kenduskeag Stream and continuing westerly along the high water mark of Penobscot River to the point of beginning.

Sec. 2. Trustees. All the affairs of the district shall be managed by a board of 9 trustees, who shall be members of the City Council of the City of Bangor and whose terms as such trustees shall be coextensive with their terms as members of said city council. The members of the city council of the city of Bangor shall be vested with the authority herein provided as such trustees upon the acceptance of this act by the voters of the city of Bangor. The chairman of the city council of the city of Bangor shall be the chairman of the board of trustees and meetings of the board of trustees shall be called and held in the same manner as meetings of the city council of the city of Bangor. At the first meeting of said board of trustees, the members shall elect a treasurer and a clerk, not necessarily from their own number, to serve at the board's pleasure and to perform any other acts within the powers delegated to them by law. Said treasurer shall give a bond approved by a majority of the members, for the faithful performance of his duties, in such sum as said trustees shall determine. Said trustees shall also provide a corporate seal and have an established place of business within said district. Members of the board of trustees shall serve without compensation.

Said trustees may appoint agents and other officers who shall serve at the pleasure of the trustees and any compensation shall be fixed by said trustees. They shall make and publish an annual report, which report shall also contain the report of the treasurer.

Sec. 3. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the Bangor Parking District shall determine what sum in excess of the parking revenues accruing from the operation of the off-street parking facilities located within the above described area is required each year for sinking fund payments, or if the bond or notes issued by the city of Bangor for the purposes of this act shall be issued to mature serially, what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses in the district, and shall each year before the 1st of April issue their warrant in the same form as the warrant of the Treasurer of the State for taxes, with proper changes, to the Assessors of the city of Bangor requiring that they assess the total sum so determined upon taxable estates within said District and to commit their assessment to the Collector of the city of Bangor who shall have all the authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. On or before the 31st day of December in the year in which said tax is so levied the Treasurer of said city shall pay the amount of the tax so assessed against said District to the Treasurer of said District. The aforesaid

taxes, together with the revenues collected from the operation of said off-street parking facilities, shall be used for the purposes of acquiring by purchase, or lease, or purchase and lease, or by condemnation, such lots, sites, improvements or places as the said District trustees may in their discretion deem necessary for the parking of automobiles and other vehicles within the said Bangor Parking District, and for the further purposes of constructing, improving, conducting and operating such lots, sites, improvements or places as an adequate system of off-street parking facilities. All property within said District which is used primarily for parking purposes or for private residential purposes is hereby exempted from such taxation.

Sec. 4. City of Bangor to borrow funds. The city of Bangor may issue bonds or notes in accordance with the provisions of section 109 of chapter 91 of the Revised Statutes of 1954, for the acquisition, construction and improvement of property for the purposes set forth in this act.

Sec. 5. Parking meters and other parking devices; authority to install; use of proceeds from. Said district by its trustees is hereby authorized to purchase, install, maintain and operate parking meters, parking gates and other parking devices, along or upon any off-street parking site or facility located within the Bangor Parking District. Said district trustees are authorized to fix and charge parking meter fees and fees for the use of such parking site or facility and the revenue received therefrom shall be applied toward the cost of construction, improvements, maintenance and operation of said parking sites or facilities as provided in this act.

Sec. 6. Police to enforce laws and regulations in off-street parking areas. The Bangor city police are hereby directed to enforce both the general and local public laws and any and all ordinances which may be adopted by the city council of the city of Bangor throughout the extent of the off-street parking facilities authorized by this act in the same manner that they are now required by law to enforce said laws and ordinances in the public streets and ways of the city of Bangor.

Sec. 7. Authorized to receive gifts, etc. Said trustees are hereby authorized to receive any gift of real estate which shall be described in a trust deed or the donation of any sum of money or other thing of value in trust, to be expended under the provisions of this act, and in every particular as if the same had been appropriated by said district for the purposes herein specified. Said trustees shall have power to execute a term lease or leases of any and all off-street parking facilities created or improved under and by virtue of this act.

Sec. 8. Powers herein supplemental to existing powers; acts inconsistent repealed to extent of inconsistency. This act and the powers hereby conferred shall be regarded as supplemental and additional to any powers now existing, and being necessary for the welfare of the inhabitants of the city of Bangor, shall be liberally construed to effect the purposes hereof. All acts and parts of acts, however, inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

Sec. 9. Saving Clause. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent juris-

diction, the decision of such court shall not effect or impair any of the remaining provisions.

Sec. 10. 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 within the city of Bangor, voting at a regular or special election called and held for the purpose, by the municipal officers of the city of Bangor, to be held at the regular voting places in said city; the date of holding such election to be determined by said municipal officers. Such election shall be held not later than 8 months after the effective date of this act, and shall be called, advertised, and conducted according to the law relating to municipal elections; provided, however, that the board of registration shall not be required to prepare, nor the city clerk to post, a new list of voters. The city clerk shall reduce the subject matter of this act to the following question: "Shall the Act Creating the Bangor Parking District, passed by the 98th Legislature, be accepted?" and 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 of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total votes cast for all candidates for Governor in said city of Bangor at the next previous gubernatorial election.

The result of the vote shall be declared by the city council of the city of Bangor and due certificate thereof filed by the city clerk with the Secretary of State. Failure of approval shall not prevent the municipal officers of said city of Bangor from again submitting said question to the voters of said city in the manner aforesaid.