

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1341**

H. P. 948

House of Representatives, March 20, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Totman of Bangor.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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**AN ACT Relating to Off-Street Parking Facilities in City of Bangor.**

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**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. P. & S. L., 1931, c. 54, Art. IX, additional.** Chapter 54 of the private and special laws of 1931, as amended, is hereby further amended by adding thereto a new Article IX, as follows:

**'ARTICLE IX.**

**Off-Street Parking Facilities.**

**Sec. 1. Taxing authority.** In order to facilitate the acquisition, construction, improvement, operation and maintenance of off-street parking facilities within the area defined in section 2 of this article, as provided in sections 87

and 100 of chapter 91 of the Revised Statutes of Maine of 1954, as amended, the municipal officers of the city of Bangor are hereby authorized and empowered to impose upon the taxable estates within the said area, a special tax in the manner prescribed in section 3 of this article.

Property used primarily for private residential or parking purposes shall be exempt from such tax.

Sec. 2. Area defined. The following described territory within the city of Bangor shall constitute the special taxing area prescribed in this article:

Commencing at a point formed by the intersection of the center line of May street, extending 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 250 feet to a point; thence westerly at right angles to the last described line for a dis-

tance 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 parallel 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. 3. Taxing procedures. The municipal officers of the city of Bangor 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 to amortize the cost of such facilities and to defray the cost of constructing, improving, operating and maintaining said facilities and to meet any other necessary expenses of said facilities and shall each year before the first day of April issue a warrant in the same form as the warrant of the Treasurer of State for taxes with proper changes to the assessors of the city of Bangor requiring that they assess the total sums so determined upon the taxable estates within said area 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. The aforesaid taxes together with the revenues collected from the operation of said off-street parking facilities shall be used solely for the purposes of acquiring by purchase or lease, or purchase and lease or by right of eminent domain such lots, sites, improvements or places as the municipal officers of the said city of Bangor may in their discretion deem necessary for the parking of automobiles and other vehicles within the above described area 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.'

Sec. 2. 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 Relating to Off-Street Parking Facilities in City of Bangor 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.