

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

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

Legislative Document

No. 1436

S. P. 529

In Senate, January 19, 1960.

Committee on Legal Affairs suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Boucher of Androscoggin. (by request)

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY

**AN ACT Relating to Revenues, Eminent Domain and Termination of
Lewiston Parking District.**

Emergency preamble. Whereas, the parking conditions in the City of Lewiston have steadily become 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, 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 a 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 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., 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 The last sentence of section 1 of chapter 2 of the private and special laws of 1957 is repealed and the following sentence enacted in place thereof: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 municipal officers 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., 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. In view of the emergency cited in the preamble, this act shall take effect when approved.

STATEMENT OF FACTS

See emergency preamble.