

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 452

H.P. 340

House of Representatives, February 10, 2009

**An Act To Include the Town of Falmouth as a Member of the  
Greater Portland Transit District**

(EMERGENCY)

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NELSON of Falmouth.  
Cosponsored by Senator ALFOND of Cumberland and  
Representatives: COHEN of Portland, DRISCOLL of Westbrook, HINCK of Portland,  
LOVEJOY of Portland, PEOPLES of Westbrook, STUCKEY of Portland, Senators:  
BRANNIGAN of Cumberland, DAVIS of Cumberland.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the Maine Revised Statutes, Title 30-A, section 3504, subsection 3  
4 provides that the Greater Portland Transit District is comprised of the City of Portland  
5 and the City of Westbrook and further provides that its board of directors consists of 5  
6 directors appointed from the City of Portland and 3 directors appointed from the City of  
7 Westbrook; and

8           **Whereas,** the Town of Falmouth has applied for membership in the Greater Portland  
9 Transit District and the board of directors of the Greater Portland Transit District has  
10 voted to accept its application for membership; and

11           **Whereas,** the Town of Falmouth cannot become a member of the Greater Portland  
12 Transit District until Title 30-A, section 3504, subsection 3 has been amended to reflect  
13 the change in membership; and

14           **Whereas,** the board of directors of the Greater Portland Transit District has  
15 determined that it would be advantageous to the district and the people it serves if the  
16 board of directors could receive and accept applications for membership to the Greater  
17 Portland Transit District from other municipalities located wholly or partially within the  
18 Portland Area Comprehensive Transportation System, whether or not contiguous with the  
19 other members of the Greater Portland Transit District; and

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

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

25           **Sec. 1. 30-A MRSA §3501, sub-§3** is enacted to read:

26           **3. Portland Area Comprehensive Transportation System.** "Portland Area  
27 Comprehensive Transportation System" means the federally designated planning  
28 organization for the Portland region established to improve the coordination of  
29 transportation planning and investment decisions by state, municipal and public  
30 transportation organizations.

31           **Sec. 2. 30-A MRSA §3504, sub-§3,** as enacted by PL 1987, c. 737, Pt. A, §2 and  
32 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
33 further amended to read:

34           **3. Greater Portland Transit District.** The board of directors of the Greater  
35 Portland Transit District, ~~presently comprised~~ composed of the ~~Cities~~ City of Portland  
36 ~~and, the City of Westbrook and the Town of Falmouth,~~ shall consist ~~consists~~ of 5  
37 directors appointed from the City of Portland ~~and,~~ 3 directors appointed from the City of  
38 Westbrook ~~and 2 directors appointed from the Town of Falmouth.~~ Notwithstanding the  
39 other provisions of this chapter, the board of directors of the Greater Portland Transit

1 District may receive and accept applications for membership from other municipalities  
2 located wholly or partially within the Portland Area Comprehensive Transportation  
3 System whether or not they are contiguous to other members of the Greater Portland  
4 Transit District and may determine the number of directors to be appointed from those  
5 municipalities to the board of directors of the Greater Portland Transit District on any  
6 basis that is mutually agreed upon by the municipality applying for membership and the  
7 board of directors of the Greater Portland Transit District. The Cities of Portland and  
8 Westbrook member municipalities may, by ordinance, provide that their appointees serve  
9 at the will of the appointing power or for terms which that are shorter than those  
10 established in subsection 2.

11 **Emergency clause.** In view of the emergency cited in the preamble, this  
12 legislation takes effect when approved.

13 **SUMMARY**

14 This bill includes the Town of Falmouth as a member of the Greater Portland Transit  
15 District. The bill authorizes other municipalities located wholly or partially in the  
16 Portland Area Comprehensive Transportation System to apply and be accepted for  
17 membership in the Greater Portland Transit District. The bill also authorizes the  
18 representation of those municipalities on the board of directors of the Greater Portland  
19 Transit District to be determined by mutual agreement between the municipality and the  
20 board of directors of the Greater Portland Transit District. The bill also defines "Portland  
21 Area Comprehensive Transportation System."

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