

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 217

H.P. 178

House of Representatives, February 5, 2013

**An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Public Access to Records Relating
to Public-private Partnerships**

Reported by Representative PRIEST of Brunswick for the Joint Standing Committee on
Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph
G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 23 MRSA §4251, sub-§9**, as enacted by PL 2009, c. 648, Pt. A, §1, is
3 amended to read:

4 **9. Legislative approval.** If the department determines that a public-private
5 partnership proposal and draft agreement meets the standards of this subchapter, the
6 department shall publish a notice of the determination on the department's publicly
7 accessible website or through advertisements in newspapers as required in subsection 5,
8 paragraph A. At least 30 days after providing the public notice, the department shall
9 submit to the Legislature a bill that authorizes the agreement. The bill must include a
10 statement that the proposal meets the standards in subsection 4, a summary of the
11 substance of the draft agreement and a description of the nature and amount of state
12 investment, if any, including effects on programmed capital work.

13 **SUMMARY**

14 This bill implements the majority recommendation of the Right To Know Advisory
15 Committee.

16 Current law requires that the Department of Transportation submit to the Legislature
17 a bill that authorizes the agreement that implements a public-private partnership for the
18 development of a transportation facility. This bill requires the department to publish
19 public notice on the department's publicly accessible website or in newspapers when it
20 has determined that a public-private proposal and agreement meets the standards of the
21 Maine Revised Statutes, Title 23, chapter 410, subchapter 5 and to wait at least 30 days
22 after the public notice has been published to submit the bill.