

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 506

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H.P. 345

House of Representatives, February 24, 2015

### **An Act To Improve Public-private Transportation Partnerships**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CHAPMAN of Brooksville.  
Cosponsored by Senator DAVIS of Piscataquis.

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

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

4 **3. Authorization.** Notwithstanding any other provision of law, the department is  
5 authorized only to ~~receive or~~ solicit proposals to form a public-private partnership with  
6 respect to a transportation facility in accordance with section 73. Proposals must be  
7 reviewed in accordance with this subchapter. Upon approval of the Legislature as  
8 provided in this subchapter, the department may enter into an agreement.

9 **Sec. 2. 23 MRSA §4251, sub-§5**, as enacted by PL 2009, c. 648, Pt. A, §1, is  
10 amended to read:

11 **5. Proposal and selection processes.** The department may request proposals from  
12 private entities for a public-private partnership for a transportation facility ~~or may accept~~  
13 ~~unsolicited proposals pursuant to this subsection.~~

14 ~~A. If the department receives an unsolicited proposal and determines that it meets the~~  
15 ~~standards in this subchapter, the department shall publish a notice of the receipt of the~~  
16 ~~proposal on the department's publicly accessible website or through advertisements in~~  
17 ~~newspapers. If a notice is published exclusively in newspapers, the notice must~~  
18 ~~appear in 2 or more public newspapers circulated wholly or in part in the State and in~~  
19 ~~one public newspaper circulated wholly or in part in the county where the proposed~~  
20 ~~transportation facility is to be located if any such newspaper is circulated in that~~  
21 ~~county. The notice must provide that the department will accept, for 120 days after~~  
22 ~~the initial date of publication, proposals meeting the standards in subsection 4 from~~  
23 ~~other private entities for transportation facilities that satisfy the same basic purpose~~  
24 ~~and need. A copy of the notice must be mailed to each local government in the area~~  
25 ~~affected by the proposal.~~

26 B. After the proposal or proposals have been received, and any public notification  
27 period has expired, the department shall rank the proposals in order of preference. In  
28 ranking the proposals, the department may consider factors that include, but are not  
29 limited to, professional qualifications, general business terms, innovative engineering  
30 or cost-reduction terms, finance plans and the need for state funds to deliver the  
31 project and discharge the agreement. The department shall undertake negotiations  
32 with the private entity submitting the 1st-ranked proposal. If the department is not  
33 satisfied with the results of the negotiations, the department may, at its sole  
34 discretion, terminate negotiations with that entity and the department may negotiate  
35 with the other entities in order of the ranking of their proposals. If only one proposal  
36 is received, the department shall negotiate in good faith and, if the department is not  
37 satisfied with the results of the negotiations, the department may, at its sole  
38 discretion, terminate negotiations.

39 C. The department may require that the private entity assume responsibility for all  
40 costs incurred by the State or local governments before execution of the agreement,  
41 including costs of retaining independent experts to review, analyze and advise the  
42 department with respect to the proposal.

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## **SUMMARY**

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This bill changes the law governing public-private partnerships to develop transportation facilities by removing the Department of Transportation's authority to receive unsolicited proposals and to limit those proposals solicited by the department to those in accordance with the Sensible Transportation Policy Act.

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