



Association for the Improvement
of American Infrastructure

P3 Snapshot: **Maine**

SUMMARY OF P3 LEGISLATIVE STATUS:

Enabled for transportation P3 procurements.

1. **Does this state have broadly enabling P3 legislation?**
Maine is authorized to conduct procurements using alternative project delivery methods including P3s for transportation projects.
2. **Does the state allow for **Unsolicited Proposals**?**
State procurement guidelines allow for the receipt and consideration of unsolicited proposals for eligible asset classes.
3. **What is the state's P3 **Review Process**?**
Prior to issuing a solicitation for procurement, the DoT must secure legislative approval for some or all P3 projects. Requires request for competing bids or other process, including for unsolicited proposals.
4. **Does the state have a **Centralized Agency** dedicated to P3?**
Maine Department of Transportation.
5. **Is this a **Home Rule state**, with limitations or opportunities for P3?**
Maine employs Dillon's Rule to all municipalities; which allows the legislature to control local government structure (counties and municipalities), methods of financing its activities, its procedures and the authority to undertake certain functions.
6. **Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
*While not related to P3 procurements, any funding covenants will stipulate compliance with MWDBE participation (i.e., Federal funding requirements).
Payment and performance guarantees are required for public works procurements in the design and construction phases.
Davis-Bacon governs prevailing wage for applicable labor categories.*
7. **Are P3 projects in this state eligible for other financing programs?**
Maine DoT can draw upon Federal financing measures to positively affect the bankability of deals for public infrastructure. They are eligible for such funding and financing programs available from the Federal government, including TIFIA, RRIF, and PABs.
8. **What Projects or Asset Classes are eligible for P3 in this state?**
Maine's statutory authority explicitly allows the conversion of existing roads to toll roads (with the state legislature's approval).
9. **Are there Projects where the P3 procurement method has been applied?**
Maine has Design+Build authority, which includes the transportation sector. There have not been solicitations for procurement of transportation assets, including P3s.
10. **What is the legislative foundation for P3s in this state?**
Me. Rev. Stat. Ann. tit. 23, §4251

D: Design | **B:** Build | **F:** Finance | **O:** Operate | **M:** Maintain