

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Title)
NEW DRAFT OF: H. P. 588, L. D. 819

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1684

H. P. 1182

House of Representatives, May 25, 1967

Reported by Mr. Quinn, from Committee on Judiciary. Printed under Joint Rules. No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Publication of Legal Notices.

Emergency preamble. Whereas, the Coastal Journal, a weekly newspaper published in Bath, Sagadahoc County, and State of Maine since November 3, 1966, has been publishing probate notices, notices of foreclosure, other legal notices, legal advertising and other matter required by law to be published in a newspaper; and

Whereas, this newspaper is entered as 3rd class postal matter in the United States mails at the post office in Bath, Maine; and

Whereas, the Revised Statutes, Title 1, section 601, requires that in order for a newspaper to be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, it must be entered as 2nd class postal matter in the United States mail; and

Whereas, the legal efficacy of any procedure requiring notice, which notice has been printed in the Coastal Journal, has come into question; and

Whereas, in the opinion of the Legislature, these facts create an emergency requiring immediate action in order to remove any doubt as to the present and future validity of these notices and the legal procedures based on them; 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 the 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. R. S., T. 1, § 601, amended. The first sentence of section 601 of Title 1 of the Revised Statutes is amended to read as follows:

To be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, a newspaper, unless otherwise ordered by the court in the proceedings, must be published and printed in whole or in part in this State or, where the law so requires, in whole or in part in the county where the notice is required to be published; must be printed in the English language; and must be entered as second **or third** class postal matter in the United States mails at the post office in the place of such printing ~~and or~~ publication.

Sec. 2. R. S., T. 15, § 2161, amended. The first sentence of section 2161 of Title 15 of the Revised Statutes is amended to read as follows:

On all petitions to the Governor for pardon or commutation of sentences, written notice thereof shall be given to the Attorney General and the county attorney for the county where the case was tried at least 4 weeks before the time of the hearing thereon, and 4 weeks' notice in some newspaper ~~printed and published~~ **having its principal place of business** in said county.

Sec. 3. Application. All probate notices, notices of foreclosure, other legal notices, legal advertising and any other matter required by law to be published in a newspaper, which have been published in the Coastal Journal from the date of its first publication on November 3, 1966 to the effective date of this Act and which would have been valid except for the provision of the Revised Statutes, Title 1, section 601, which requires a newspaper to be entered as second class postal matter, are declared to be valid.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.