

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1460

S.P. 468

In Senate, May 6, 1993

**An Act Relating to Publication of Legal Notices.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator WEBSTER of Franklin.

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

4  
6           Whereas, the Somerset Gazette, a weekly newspaper published  
in Skowhegan in the County of Somerset since April 16, 1990, has  
8           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

10  
12           Whereas, this newspaper is entered as 3rd class postal  
matter in the United States mails at the post office in  
Skowhegan, Maine; and

14  
16           Whereas, pursuant to the Maine Revised Statutes, Title 1,  
section 601, for a newspaper to be qualified as a medium for the  
18           publication of legal notices, legal advertising and other matter  
required by law to be published in a newspaper, that newspaper  
20           must be entered as 2nd class postal matter in the United States  
mail; and

22           Whereas, the legal efficacy of any procedure requiring  
notice when that notice has been published in the Somerset  
24           Gazette may be called into question; and

26           Whereas, in the opinion of the Legislature, these facts  
require immediate action in order to remove any doubt as to the  
28           present and future validity of these notices and the procedures  
based upon them; and

30  
32           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
34           Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore,

36  
38           **Be it enacted by the People of the State of Maine as follows:**

40           **Sec. 1. 1 MRSA §602 is enacted to read:**

42           **§602. Additional media for publication of notices**

44           Notwithstanding section 601, all probate notices, notices of  
foreclosure, other legal notices, legal advertising and other  
matter required by law to be published in a newspaper that have  
been published in the Coastal Journal from the date of its first  
publication on November 3, 1966 and in the Somerset Gazette from  
the date of its first publication on April 16, 1990 to the  
effective date of this Act, and that would have been valid but  
for the provision of section 601 that requires a newspaper

2 carrying such notices to be entered as 2nd class postal matter,  
3 are declared to be valid.

4 **Emergency clause.** In view of the emergency cited in the  
5 preamble, this Act takes effect when approved.  
6

8 **STATEMENT OF FACT**

10 This bill authorizes the publication of notices in the  
11 Somerset Gazette, which is not entered as 2nd class postal matter  
12 in the United States mail. The bill incorporates a similar  
13 exemption for the Coastal Journal that was created pursuant to  
14 Public Law 1967, chapter 428. Since these publications deal with  
15 legal notices, reference in the Maine Revised Statutes should  
16 include both newspapers.