

# MAINE STATE LEGISLATURE

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MRS.

Date: 6/11/7

Majority

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1310, L.D. 1878, Bill, "An Act To Generate Savings by Changing Public Notice Requirements"

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 12 in L.D.)

Amend the bill by striking out all of section 1 (page 1, lines 14 to 35 and page 2, lines 1 to 23 in L.D.) and inserting the following:

'Sec. 1. 1 MRSA §603 is enacted to read:

§603. Legal and public notice publication requirements

Notwithstanding any law to the contrary, this section applies to the placing of legal or public notices in a newspaper by a unit of State Government.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Administrative and Financial Services.

B. "Department" means the Department of Administrative and Financial Services.

C. "Unit of State Government" means a department in the executive branch, an independent or quasi-independent agency, the Legislature or the judicial branch.

2. Legal and public notices until June 30, 2008. Until June 30, 2008, a legal or public notice placed in a newspaper by a unit of State Government must include a brief explanatory statement to alert readers that all state legal or public notices will be available only in electronic form after June 30, 2008. The statement must also inform readers how to obtain more information about the website for posting notices created pursuant to subsection 5.

3. Legal and public notices from July 1, 2008 to June 30, 2009. Beginning July 1, 2008 and ending June 30, 2009, the department shall place in the newspaper in which a

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1 legal notice would be required to be placed prior to June 30, 2008, in place of legal or  
2 public notices, a brief explanatory statement to alert readers that all state legal or public  
3 notices are available only in electronic form. This statement must also contain  
4 information on how readers may obtain more information about the website for posting  
5 notices created pursuant to subsection 5.

6 **4. Legal and public notices after July 1, 2009.** Beginning July 1, 2009, a unit of  
7 State Government may not place a legal or public notice in a newspaper unless authorized  
8 to do so in writing by the appropriate authority under this subsection. For all departments  
9 in the executive branch, independent agencies and quasi-independent agencies,  
10 authorization is given by the commissioner. For the Legislature, authorization is given by  
11 the Executive Director of the Legislative Council. For the judicial branch, authorization  
12 is given by the State Court Administrator.

13 **5. Website.** The department shall maintain, or cause to be maintained, a publicly  
14 accessible website on which units of State Government shall post all legal and public  
15 notices required to be made by them or on which the department shall provide direct links  
16 to the websites of other branches or units of State Government where such legal and  
17 public notices must be posted. The address for this website must be included in the  
18 statements published pursuant to subsections 2 and 3.

19 **6. Applicability.** The commissioner shall resolve any issues, questions or disputes  
20 regarding the applicability of this section, including whether an entity meets the  
21 definition of "unit of State Government."

22 **7. Waiver.** The requirements of this section may be waived in part or in whole if the  
23 appropriate authority determines that doing so is in the best interest of the State. The  
24 commissioner may waive the requirements of this section for all departments in the  
25 executive branch, independent agencies and quasi-independent agencies. The Executive  
26 Director of the Legislative Council may waive the requirements of this section for the  
27 Legislature. The State Court Administrator may waive the requirements of this section  
28 for the judicial branch.

29 This section may not be construed to limit lawful advertisements that are not legal notices  
30 or public notices, but are intended for marketing, promotional or informational purposes.

31 **8. Report.** The commissioner, the Executive Director of the Legislative Council and  
32 the State Court Administrator shall report to the joint standing committee of the  
33 Legislature having jurisdiction over state and local government matters by January 15th  
34 of each year regarding the implementation of these provisions and any waivers granted  
35 under them.

36 This subsection is repealed January 16, 2010.'

37 Amend the bill in section 3 in the 4th and 5th lines (page 3, lines 6 and 7 in L.D.) by  
38 striking out the following: "and the Maine Land Use Regulation Commission"

39 Amend the bill by inserting after section 3 the following:

40 **'Sec. 4. Calculation and transfer; General Fund and Highway Fund**  
41 **savings; legal advertising.** Notwithstanding any other provision of law, the State  
42 Budget Officer shall calculate the amount of savings in section 5 that applies against each

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1 General Fund and Highway Fund account for all departments and agencies from posting  
2 legal advertisements and public notices on the Internet and shall transfer the amounts by  
3 financial order upon the approval of the Governor. These transfers are considered  
4 adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget  
5 Officer shall provide the joint standing committee of the Legislature having jurisdiction  
6 over appropriations and financial affairs with a report of the transferred amounts no later  
7 than November 1, 2008.

8 **Sec. 5. Appropriations and allocations.** The following appropriations and  
9 allocations are made.

10 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**  
11 **Departments and Agencies - Statewide 0016**

12 Initiative: Deappropriates savings resulting from the phasing out of publishing legal and  
13 public notices in the newspaper.

14	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
15	All Other	\$0	(\$190,000)
16			
17	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>(\$190,000)</u>

18	<b>HIGHWAY FUND</b>	<b>2007-08</b>	<b>2008-09</b>
19	All Other	\$0	(\$25,000)
20			
21	<b>HIGHWAY FUND TOTAL</b>	<u>\$0</u>	<u>(\$25,000)</u>

22 **Sec. 6. Appropriations and allocations.** The following appropriations and  
23 allocations are made.

24 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**  
25 **Office of the Commissioner - Administrative and Financial Services 0718**

26 Initiative: Provides funds for start-up and transitional advertisement costs.

27	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
28	All Other	\$150,000	\$50,000
29			
30	<b>GENERAL FUND TOTAL</b>	<u>\$150,000</u>	<u>\$50,000</u>

31 **Office of the Commissioner - Administrative and Financial Services 0718**

32 Initiative: Provides funds for Internet system development and maintenance costs.

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1	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
2	All Other	\$25,000	\$25,000
3			
4	<b>GENERAL FUND TOTAL</b>	<hr/>	<hr/>
		\$25,000	\$25,000
5	<b>ADMINISTRATIVE AND FINANCIAL</b>		
6	<b>SERVICES, DEPARTMENT OF</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
8			
9	<b>GENERAL FUND</b>	<b>\$175,000</b>	<b>\$75,000</b>
10			
11	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<hr/>	<hr/>
		\$175,000	\$75,000
12	<b>LEGISLATURE</b>		
13	<b>Legislature 0081</b>		
14	Initiative: Deappropriates savings resulting from the phasing out of publishing legal and		
15	public notices in the newspaper.		
16	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
17	All Other	\$0	(\$89,000)
18			
19	<b>GENERAL FUND TOTAL</b>	<hr/>	<hr/>
		\$0	(\$89,000)
20	<b>LEGISLATURE</b>		
21	<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
22			
23	<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$89,000)</b>
24			
25	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<hr/>	<hr/>
		\$0	(\$89,000)
26	<b>PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY,</b>		
27	<b>OFFICE OF</b>		
28	<b>Office of Program Evaluation and Government Accountability 0976</b>		
29	Initiative: Deappropriates savings resulting from the phasing out of publishing legal and		
30	public notices in the newspaper.		

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1	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
2	All Other	\$0	(\$3,000)
3			
4	<b>GENERAL FUND TOTAL</b>	<hr/> \$0	<hr/> (\$3,000)
5	<b>PROGRAM EVALUATION AND</b>		
6	<b>GOVERNMENT ACCOUNTABILITY, OFFICE</b>		
7	<b>OF</b>		
8	<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
9			
10	<b>GENERAL FUND</b>	\$0	(\$3,000)
11			
12	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<hr/> \$0	<hr/> (\$3,000)
13	<b>SECTION TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
14			
15	<b>GENERAL FUND</b>	\$175,000	(\$17,000)
16			
17	<b>SECTION TOTAL - ALL FUNDS</b>	<hr/> \$175,000	<hr/> (\$17,000)

18  
19 Amend the bill by striking out all of the emergency clause (page 3, lines 11 and 12 in  
20 L.D.)

21 **SUMMARY**

22 This amendment delays and extends the phasing out of publishing legal or public  
23 notices in newspapers. The first phase, lasting from the effective date of this legislation  
24 until June 30, 2008, requires that legal and public notices be published in newspapers  
25 along with a notice informing readers that notices will be published only electronically  
26 after July 1, 2009. The second phase, lasting from July 1, 2008 until June 30, 2009,  
27 requires that only a notice informing readers where notices can be found electronically  
28 may be published in newspapers. After July 1, 2009, all public and legal notices are to be  
29 published electronically.

30 The amendment removes the Maine Land Use Regulation Commission from the  
31 requirement to have notices published only in an electronic form. It removes the specific  
32 language of the notices from the bill and removes the requirement for a toll-free number  
33 to be included in the notice. The amendment also gives the Commissioner of  
34 Administrative and Financial Services the duty to resolve disputes. It allows the  
35 commissioner to waive the requirement for executive departments in the interests of the  
36 State. The same authority is granted to the Executive Director of the Legislative Council  
37 for the Legislature and to the State Court Administrator for the judicial branch. It also  
38 requires the Commissioner of Administrative and Financial Services, the Executive

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1 Director of the Legislative Council and the State Court Administrator to provide annual  
2 reports to the joint standing committee of the Legislature having jurisdiction over state  
3 and local government matters until January 15, 2010. Finally, it removes the emergency  
4 preamble and emergency clause from the bill and adds an appropriations and allocations  
5 section.

6 **FISCAL NOTE REQUIRED**  
7 (See attached)

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# 123rd MAINE LEGISLATURE

LD 1878

LR 2601(02)

## An Act To Generate Savings by Changing Public Notice Requirements

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: State and Local Government

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Net Cost (Savings)</b>				
General Fund	\$175,000	(\$207,000)	(\$356,000)	(\$277,000)
Highway Fund	\$0	(\$25,000)	(\$25,000)	(\$25,000)
<b>Appropriations/Allocations</b>				
General Fund	\$175,000	(\$207,000)	(\$356,000)	(\$277,000)
Highway Fund	\$0	(\$25,000)	(\$25,000)	(\$25,000)

### Fiscal Detail and Notes

This bill changes the legal public notice requirements from a newspaper notification system to an electronic notification system using the internet. The new electronic system will involve start-up and transitional costs but will eventually generate savings across state government from reduced advertising costs as summarized below:

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Start-up and transitional advertisement costs	\$150,000	\$50,000	\$0	\$0
Internet system maintenance costs	\$25,000	\$25,000	\$25,000	\$25,000
Statewide General Fund savings	\$0	(\$190,000)	(\$190,000)	(\$190,000)
Legislature's General Fund savings	\$0	(\$89,000)	(\$188,000)	(\$109,000)
OPEGA's savings	\$0	(\$3,000)	(\$3,000)	(\$3,000)
	<u>\$175,000</u>	<u>(\$207,000)</u>	<u>(\$356,000)</u>	<u>(\$277,000)</u>
Statewide Highway Fund savings	\$0	(\$25,000)	(\$25,000)	(\$25,000)