

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1878

H.P. 1310

House of Representatives, April 26, 2007

An Act To Generate Savings by Changing Public Notice Requirements

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HAYES of Buckfield.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: AYOTTE of Caswell, BEAUDETTE of Biddeford, CLARK of Millinocket,
CRAVEN of Lewiston, JOY of Crystal, RICHARDSON of Carmel, VALENTINO of Saco,
WEAVER of York.

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

3 **Whereas,** state, county and local governments are required to place notices in
4 newspapers; and

5 **Whereas,** the cost of placing these notices is high and involves the use of taxpayer
6 dollars; and

7 **Whereas,** an earlier enactment of this legislation would allow state, county and local
8 governments to realize savings more rapidly; and

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

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

14 **Sec. 1. 1 MRSA §603** is enacted to read:

15 **§603. Legal notice publication requirements**

16 Notwithstanding any law to the contrary, the following provisions apply to the
17 placing of legal or public notices in a newspaper by a unit of State Government or the
18 Maine Land Use Regulation Commission.

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

21 A. "Commission" means the Maine Land Use Regulation Commission.

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

23 C. "Unit of State Government" includes all departments in the executive branch,
24 independent agencies, the Legislature and the judicial branch.

25 **2. July 1, 2007 to December 31, 2007.** Beginning July 1, 2007 and ending
26 December 31, 2007, a legal notice placed in a newspaper by a unit of State Government
27 or the commission must contain the following statement:

28 "Beginning January 1, 2008, legal notices such as this one will no longer
29 be published in the newspaper. If you would like to continue to receive
30 these notices, they will be available on the Internet at (address of Internet
31 site). Additionally, you may receive notices such as this one by mail by
32 calling (telephone number)."

33 **3. January 1, 2008 to June 30, 2008.** Beginning January 1, 2008 and ending June
34 30, 2008, instead of any legal notice required to be placed in a newspaper by a unit of
35 State Government or the commission, the following statement must be published:

1 "Beginning January 1, 2008, legal notices are no longer published in the
2 newspaper. If you would like to continue to receive these notices, they
3 are available on the Internet at (address of Internet site). Additionally,
4 you may receive notices by mail by calling (telephone number)."

5 **4. Beginning July 1, 2008.** Beginning July 1, 2008, a unit of State Government and
6 the commission may not place a legal notice in a newspaper.

7 **5. Internet sites; telephone numbers.** A unit of State Government and the
8 commission shall comply with the following provisions regarding Internet sites and
9 telephone numbers used in newspaper notices.

10 A. The department shall maintain a publicly accessible Internet site on which the
11 department shall post all legal notices required to be made by a unit of State
12 Government. The department shall establish and maintain an in-state toll-free
13 telephone number for persons in this State to call the department and obtain, by mail,
14 a copy of a notice posted on the department's Internet site. The address for this
15 Internet site and the telephone number must be included in the statements published
16 in newspapers pursuant to subsections 2 and 3.

17 B. The commission, for the unorganized and deorganized areas of the State, shall
18 maintain a publicly accessible Internet site on which the commission shall post all
19 legal notices required to be made by the commission. The commission shall establish
20 and maintain an in-state toll-free telephone number for persons in this State to call the
21 commission and obtain, by mail, a copy of a notice posted on the commission's
22 Internet site. The address for this Internet site and the telephone number must be
23 included in the statements published in newspapers pursuant to subsections 2 and 3.

24 **Sec. 2. 30-A MRSA §3013** is enacted to read:

25 **§3013. Publication policy**

26 Notwithstanding Title 1, section 601, municipal legal notices may be published in a
27 newspaper medium distributed as 3rd-class postal matter by United States mail rather
28 than in a newspaper of general circulation if the municipal officers have adopted a
29 publication policy regarding legal notices that contains the following requirements:

30 **1. General circulation.** The newspaper of general circulation has a subscription rate
31 of less than 30% of the residents of the municipality. The subscription rate is calculated
32 by dividing the total number of weekday subscriptions by the total number of households
33 in the municipality as reported by the United States Census Bureau;

34 **2. Distribution.** The alternative newspaper medium is distributed to all households
35 in the municipality;

36 **3. Cost.** The alternative newspaper medium is distributed at no greater cost to the
37 consumer than the newspaper of general circulation;

38 **4. Municipal record.** The municipality retains a record of all legal notices, legal
39 advertising and other legal matter published pursuant to this section; and

1 The Department of Administrative and Financial Services is required to submit
2 legislation by December 15, 2007 to the Joint Standing Committee on State and Local
3 Government that removes any statutory requirement that a government entity publish
4 notices in newspapers.