

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 392

H.P. 318

House of Representatives, February 8, 2011

### **An Act To Amend the Requirements for Publishing Municipal Legal Notices**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HAYES of Buckfield.  
Cosponsored by Representative KRUGER of Thomaston, Senator FARNHAM of Penobscot  
and Representatives: KNIGHT of Livermore Falls, NEWENDYKE of Litchfield,  
PICCHIOTTI of Fairfield.

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

2 **Sec. 1. 30-A MRSA §2007** is enacted to read:

3 **§2007. Publication of legal notices**

4 Notwithstanding Title 1, section 601, a municipal legal notice may be published  
5 using the following procedures.

6 **1. Alternative newspaper.** A municipality may publish a legal notice in a  
7 newspaper distributed as 3rd class postal matter in the United States mail rather than a  
8 newspaper of general circulation if the municipal officers have adopted a publication  
9 policy that meets the following requirements:

10 A. The newspaper distributed as 3rd class postal matter is distributed to all  
11 households in the municipality; and

12 B. The municipality retains a record of all legal notices, legal advertising and other  
13 legal matter published pursuant to this subsection, subject to the rules for disposition  
14 of local government records as adopted by the Department of the Secretary of State,  
15 Maine State Archives.

16 **2. Electronic media.** A municipality may publish a legal notice using electronic  
17 media, such as municipal websites, electronic mailing services and other electronic  
18 resources, if the municipal officers have adopted an electronic publication policy that  
19 meets the following requirements:

20 A. More than 50% of the households in the municipality have subscribed to receive  
21 electronic notice of meetings and events;

22 B. Subscription to receive electronic notice is provided at no cost to the subscriber;  
23 and

24 C. The municipality retains a record of all legal notices, legal advertising and other  
25 legal matter published pursuant to this subsection, subject to the rules for disposition  
26 of local government records as adopted by the Department of the Secretary of State,  
27 Maine State Archives.

28 **SUMMARY**

29 This bill allows municipalities to publish legal notices either in a newspaper  
30 distributed by 3rd class mail or electronically as long as the municipal officers adopt a  
31 publication policy.

32 Under the alternative newspaper distribution option, the locally adopted policy must  
33 meet 2 requirements:

34 1. All households in the municipality must receive the alternative newspaper; and

35 2. The municipality must retain a record of all notices published in the alternative  
36 newspaper.

1 Under the electronic media distribution option, the locally adopted policy must meet  
2 3 requirements:

3 1. More than 50% of all households in the municipality must subscribe to receive  
4 electronic notices;

5 2. Subscription must be provided at no cost; and

6 3. The municipality must retain a record of all notices distributed electronically.