

126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1344

H.P. 961

House of Representatives, April 4, 2013

An Act To Modernize the State's Legal Notice Requirements

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

Millicent M. Mac Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Senator LACHOWICZ of Kennebec and

Representatives: BOLAND of Sanford, CHENETTE of Saco, COTTA of China, FREDETTE of Newport, GRAHAM of North Yarmouth, NADEAU of Winslow, Senators: GERZOFSKY of Cumberland, KATZ of Kennebec.

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

2 **Sec. 1. 1 MRSA §601,** as amended by PL 1997, c. 405, §1, is further amended to read:

4 **§601.** Publication of legal notices and advertising

5 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 6 7 otherwise ordered by the court in the proceedings, must be printed in the English 8 language; must be entered as 2nd class postal matter in the United States mails; and must have general circulation in the vicinity where the notice is required to be published. Any 9 legal notice, legal advertising or other matter required by law to be published in a 10 newspaper must appear in all editions of that newspaper and must appear on any publicly 11 accessible website that the newspaper maintains in accordance with the requirements of 12 section 601-A. 13

14 Sec. 2. 1 MRSA §601-A is enacted to read:

15 §601-A. Electronic notice

16 <u>1. Electronic posting of legal notices.</u> A legal notice appearing in a newspaper
 pursuant to section 601 must be placed on any publicly accessible website that the
 newspaper maintains in the following manner:

- 19A. The legal notice must be placed on the newspaper's publicly accessible website no20later than the same day that it appears in the newspaper;
- 21B. A link to legal notices must be provided on the home page of the newspaper's22publicly accessible website;
- 23 <u>C. Legal notices appearing on the newspaper's publicly accessible website must be</u>
 24 presented in a clear and conspicuous manner and must be of sufficient size to be
 25 clearly readable;
- 26D. Legal notices must be the dominant subject matter of the page on the newspaper's27publicly accessible website on which they are placed; and
- E. Beginning on July 1, 2014, the newspaper's publicly accessible website must have
 a search function allowing readers to search legal notices that appear on the website.

30 2. E-mail notification of legal notices. Beginning July 1, 2014, a newspaper that 31 publishes legal notices in accordance with section 601 shall provide, upon request and without charge, e-mail notification of any new legal notices added to any publicly 32 accessible website that the newspaper maintains. E-mail notifications must be sent on the 33 34 same day that the new legal notice appears on the newspaper's publicly accessible website. A newspaper must prominently display information regarding the ability to 35 receive e-mail notifications and the process for requesting such notifications on the page 36 of the newspaper's publicly accessible website where legal notices appear. 37

3. Statewide repository for legal notices. Beginning July 1, 2014, a statewide
 association representing newspapers shall establish and maintain, at its own expense, a
 publicly accessible electronic repository for any legal notices appearing on newspaper
 websites in accordance with subsection 1. A newspaper publishing legal notices in
 accordance with section 601 shall submit the legal notice to the repository.

Sec. 3. Effective date. This Act takes effect January 1, 2014.

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SUMMARY

8 This bill requires that legal notices appearing in a newspaper also appear in any 9 publicly accessible website that the newspaper maintains. Legal notices on a newspaper website must appear on the same date that they appear in print editions of the newspaper; 10 be reachable by a link from the website's home page; be presented in a clear and 11 12 conspicuous manner; and be the dominant subject matter of the website page on which 13 they appear. Beginning in July 2014, the newspaper website must also offer a search function for legal notices on the website. The bill also requires a statewide association 14 representing newspapers to establish and maintain, at its own expense, a publicly 15 16 accessible repository for legal notices appearing on newspaper websites.