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An Act To Generate Savings by Changing Public Notice Requirements

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

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

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

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

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

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

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

§ 603. Legal notice publication requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. 30-A MRS §3013 is enacted to read:

§ 3013. Publication policy

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

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

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

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

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

5. Archives. The publisher of the alternative newspaper medium has a system of archiving past editions of the newspaper.

Sec. 3. Repeal and cross-references. The Department of Administrative and Financial Services shall submit legislation by December 15, 2007 to the Joint Standing Committee on State and Local Government that repeals all requirements in the Maine Revised Statutes that a unit of State Government and the Maine Land Use Regulation Commission publish legal or public notices in a newspaper, including necessary language to carry out the purposes of the Maine Revised Statutes, Title 1, section 603. The committee shall submit legislation to the Second Regular Session of the 123rd Legislature implementing the recommendations of the department.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2007.

SUMMARY

This bill phases out, over a one-year period, the requirement that State Government, including the executive branch, departments, independent agencies, the Legislature and the judicial branch, and the Maine Land Use Regulation Commission, or LURC, publish legal or public notices in a newspaper. Instead, the Department of Administrative and Financial Services, for State Government, and LURC, for the unorganized territory, are required to establish and maintain a publicly accessible Internet site on which to post all legal and public notices. In addition, the department and LURC are required to establish and maintain an in-state toll-free telephone number that allows a person in Maine to call and receive, by mail, any notice posted on the respective Internet sites.

For the first 6 months, from July 1, 2007 to December 31, 2007, every notice published in a newspaper by an entity of State Government or LURC is required to include an entity of statement with the printing of each public notice that notices will not be printed in newspapers after December 31, 2007 and the address of the Internet site and telephone number of the government entity or LURC, as the case may be. For the next 6 months, from January 1, 2008 to June 30, 2008, instead of publishing a notice, the government entity and LURC are only required to publish a statement that notices are no longer published in the newspaper and the address of the Internet site and telephone number where such notices may not be obtained. Finally, beginning July 1, 2008, no notices will be published in newspapers by a government entity or LURC.

This bill allows municipalities to publish legal notices in a newspaper medium distributed as 3rd-class mail if the municipal officers adopt a publication policy. The policy must contain 5 requirements.

The newspaper of general circulation must have a subscription rate of less than 30% of the residents in the municipality, all households in the municipality must receive the alternative newspaper, the alternative newspaper must cost less than the newspaper of general circulation, the municipality must retain a record of all notices published in the alternative newspaper and the publisher of the alternative newspaper must have a system of archiving past editions.

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