

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

This subsection is repealed January 16, 2010.'

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

Amend the bill by inserting after section 3 the following:

**‘Sec. 4. Calculation and transfer; General Fund and Highway Fund savings; legal advertising.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 5 that applies against each General Fund and Highway Fund account for all departments and agencies from posting legal advertisements and public notices on the Internet and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with a report of the transferred amounts no later than November 1, 2008.

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

## **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

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

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$190,000)
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GENERAL FUND TOTAL	\$0	(\$190,000)
<b>HIGHWAY FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$25,000)
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HIGHWAY FUND TOTAL	\$0	(\$25,000)

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

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

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

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

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

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

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$25,000	\$25,000
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GENERAL FUND TOTAL	\$25,000	\$25,000

**ADMINISTRATIVE AND FINANCIAL SERVICES,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$175,000</b>	<b>\$75,000</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$175,000</b>	<b>\$75,000</b>

**LEGISLATURE**

**Legislature 0081**

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

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$89,000)
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<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$89,000)</b>

<b>LEGISLATURE DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$89,000)</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$89,000)</b>

**PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF**

**Office of Program Evaluation and Government Accountability 0976**

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

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$3,000)
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<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$3,000)</b>

**PROGRAM EVALUATION AND GOVERNMENT  
ACCOUNTABILITY, OFFICE OF  
DEPARTMENT TOTALS**

	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$3,000)</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$3,000)</b>

<b>SECTION TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$175,000</b>	<b>(\$17,000)</b>
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<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$175,000</b>	<b>(\$17,000)</b>

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

**SUMMARY**

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

The amendment removes the Maine Land Use Regulation Commission from the requirement to have notices published only in an electronic form. It removes the specific language of the notices from the bill and removes the requirement for a toll-free number to be included in the notice. The amendment also gives the Commissioner of Administrative and Financial Services the duty to resolve disputes. It allows the commissioner to waive the requirement for executive departments in the interests of the State. The same authority is granted to the Executive Director of the Legislative Council for the Legislature and to the State Court Administrator for the judicial branch. It also requires the Commissioner of Administrative and Financial Services, the Executive Director of the Legislative Council and the State Court Administrator to provide annual reports to the joint standing committee of the Legislature having jurisdiction over state and local government matters until January 15, 2010. Finally, it removes the emergency preamble and emergency clause from the bill and adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**