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TESTIMONY IN OPPOSITION TO LD 2042
An Act to Eliminate the Requirement for Municipalities to Provide
Public Notice in a Newspaper
Maine State and Local Government Committee

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Good morning. I'm here today to speak in opposition to LD 2042.

I am Mark Stodder of Cape Elizabeth, and I serve as the Chairman of the Community Advisory Board for the Maine Trust for Local News. In that volunteer role, I help connect communities across Maine to our newspapers, and I do this because I care deeply about the role local newspapers play – in both their print and digital forms – in keeping citizens informed and engaged in their communities. I am a former newspaper reporter, editor, and publisher, and I am a member of the Maine Press Association.

As you consider putting the responsibility for public notice solely on Maine towns and their websites, I wanted to use my time here to remind the committee about one of the essential jobs local news providers have in the public notice process.

And that is: **to make sure public notice actually happens.**

You know that newspapers – both in print and through their digital editions – deliver notices to the public in the context of other matters citizens care about and should know about in their communities. Public notices are delivered alongside reports on what's happening in their schools and in their town halls and police departments. Notices run near stories about people in their communities, meetings of their local community groups, events at their cultural institutions and more. That means a town public notice is in a place where it can be "noticed" as you turn the newspaper page or click through a local news website.

But you should also know that newspapers have for many, many decades taken their role as the provider of public notice extremely seriously.

They have created and continuously improved systems to ensure that the notice of a hearing or public meeting agenda is received from local government staff, logged into their systems, proofread, and published when it's supposed to be published. And then they generate a legal

document, an affidavit, signed by the publisher, proving that the notice has been published as legally required.

If they don't do this job correctly, they know the consequences can be severe for the community: a controversial hearing might need to be rescheduled, an opening is created for a legal challenge to a government action and, even worse, doubt is generated among citizens about the motives and transparency of their local government.

Newspapers do their job. That's why governments have long relied on newspapers to get the job done right, time after time, with hundreds and hundreds of notices every year.

Do we really want to dismantle this system that provides such certainty and reliability and replace it with town website posting?

There is a lot of variation in what Maine towns post on their websites today, and I'm concerned that if it's left to the towns to publish their own notices, reliability and consistency – and proof that a notice has been published – will fade away.

An example of what we might see in the future can be found in how towns today handle the legal requirement that official records of public meetings be made "open to public inspection" within "a reasonable period of time." Town websites are now the common way of making official meeting minutes available to the public, and if you click around those sites, you'll see a lot of inconsistency in what is considered "a reasonable period of time."

Portland posts their council meeting minutes for public review within a few days of a meeting.

Machias also posts minutes within a week of their last selectboard meeting.

But Old Orchard Beach last posted Selectboard minutes in October. That was 14 meetings ago.

Presque Isle's most recent minutes are from May of 2025.

Oxford's are from August. Westbrook – October.

Saco's most recent meeting minutes on their website are from July of 2024.

Norway posts something they call "Minutes" – but it's just a reposting of the original meeting agendas.

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Is how our towns handle this fundamental public record and public access task a predictor of how they would deal with public notice?

I don't know. I hope not.

What I do know is that Maine's local newspapers today ensure that public notice happens, consistently, on time. It's a system citizens can rely on, and it's one that we shouldn't dismantle.

Thank you.