

Kipp Wright
Boothbay, Wiscasset, Camden, Rockport

To esteemed members of the Maine Legislature regarding LD 876, upon listening to the testimony on April 7, 2021 regarding LD 876, there are further points to be shared supporting a 'ought not to pass' position that is submitted here in preparation for the upcoming working group meeting on April 14, 2021:

a) Audit Trail - The process of purchase, production of ad, placement in a newspaper in print and in digital formats currently provides a date-stamped audit trail that a public notice has been published and posted in a timely manner to the public. Newspaper publishers often provide affidavits and/or tearsheets as further proof of placement and date of placement. If LD 876 were to pass, what would be the necessary additional legislation and/or regulation that would need to be developed to ensure a transparent audit trail, that authenticates timely posting of a public notice, and establishes a consistent process across all municipal governments in the State of Maine? The result of such legislation and regulation could easily place just as much if not greater burden on a municipal government as the current process. Additionally, it could result in additional cost to the State in establishing, regulating and policing a new process that would be entirely borne by government as opposed to the current sharing of burden with private industry.

b) Timeliness of Notice - Proponents of this bill specifically noted the length of time in posting public notices with a weekly newspaper and that this is slowing execution of government. However, this argument alone is concerning in that it ignores the simple fact that you need to provide notice to the public and provide that public with sufficient time to be made aware, determine ability to participate in the related public action and/or prepare materials in response to the public notice. Without the timelines established in the current process, a town government could potentially rush a notice through a new process and circumvent their constituent's ability to respond and/or participate. Lack of timely notice by a municipal government can readily be argued will lead to distrust and increased potential for litigation.

c) Cost - Proponents for the legislation noted cost savings to the taxpayer. However, in rough calculations of expenditure on public notices by municipalities in our region in comparison with overall municipal budget expenditures, one quickly finds that expenditure on public notices may at most represent fractions to a single percent of total municipal expenditures. Due to this relatively small portion of a municipal budget, it could be noted that this justification is a tool to elicit unjustifiable emotional support under the guise of cost savings to the taxpayer. In reality, if this legislation should pass, it would result in negligible savings to taxpayers, and potentially none, if the savings are shifted to other municipal goals during the budget process.

d) Further Cost Consideration - It should also be noted, dismantling an established process increases the potential of future litigation. A municipal government could quickly expend money on legal defense with respect to claims of non-transparent and/or non-timely notice to the public. As noted by proponents, cost of \$100 per public notice as expensive; however, this cost is small in scale to potential future cost of legal defense.

In closing, it is understandable the frustration of the proponents of this bill with respect to their absence of a local news publisher. That point in itself is an alarming trend across our nation. However, it is another discussion for another time regarding the news industry as a whole and is not specific (though related) to this legislation. Specific to the proposed legislation, it could be summarized that proponents of this bill made the case on April 7, 2021 for efficiency without considering consequences that could undermine trust in government, lead to future legislation/regulation/litigation, result in unforeseen future administrative/regulatory/legal costs and dismantles an established public/private partnership that has a long and trusted legacy. This bill 'ought not to pass'.

Thank you for your time and efforts on behalf of the State of Maine,

Kipp Wright, COO
Maine-OK Enterprises, Inc.
Boothbay Register, Penobscot Bay Pilot, Wiscasset Newspaper
kippwright@maineokent.com
207-706-6100