

# Massachusetts House of Representatives

## Bill Summary

**Bill #:** H.4138

**Title:** An Act allowing “print-free” digital legal notices for the town of Wellesley

**Sponsor:** Rep. Alice Peisch and Sen. Cynthia Stone Creem

**Committee:** Municipalities and Regional Government

**Hearing Date:**

**Current Law:** MGL Chapter 4, Section 13 (b) states “If a person, corporation, state agency, including its political subdivisions, a state authority, including its political subdivisions, municipality, including its political subdivisions, or other legal entity is required by a statute, ordinance, by-law or judicial order to publish a legal notice in a newspaper or newspaper of general circulation, the person, corporation, agency, authority, municipality or other legal entity shall publish said notice in a newspaper which shall ensure that the legal notice appears in: (i) a newspaper's print publication; (ii) on the newspaper's website; and (iii) on a statewide website that may be maintained as a repository for such notices; provided, however, that if a newspaper does not maintain its own website, publication on a statewide website and reference to the statewide website in the print publication notice shall satisfy the requirement of publication on the newspaper's website.”

Mass. General Laws Chapter 40A, Section 11 requires that public notices of public hearings be published in a newspaper of general circulation in the city or town for two weeks in a row, with the first publication occurring not less than 14 days before the hearing. The notice must also be posted in a conspicuous location in the city or town hall 14 days before the hearing.

The law also provides for mailing such hearing notices to the parties of interest (those affected by the subject of the hearing) but does not include any provision for publishing such notices on a website.

**Summary:** Section 1 sets forth the purpose of the legislation, which cites the lack of an adequate print newspaper in the town of Wellesley in which to publish legal advertisements and thus satisfy legal notice requirements.

Section 2 holds that when a law, bylaw or judicial order requires that a legal notice be published in a newspaper, alternative means of posting such notice may be used if approved by a majority vote of the public body or at the discretion of the town official legally required to post the notice.

Section 3 exempts the town of Wellesley from any contrary provisions contained in Section 13 of MGL Chapter 4, providing that whenever a town officer, department, board, committee or commission is required by law or judicial order to publish a legal notice in a newspaper, such a requirement may be satisfied by using one or more of the following methods:

(a) publishing in a newspaper of general print circulation;

- (b) on a newspaper's website;
- (c) on websites that report local news and opinion that satisfy all criteria for digital publication as enumerated in Section 13(b) of Chapter 4;
- (d) on a website maintained as a statewide repository for such notices; or
- (e) on an official town of Wellesley website that may be maintained as a repository for such notices.

Section 4 contains a provision stating that nothing in the act shall be construed to alter or amend the timing requirements for publishing legal notices as provided by statute, bylaw, or a judicial order.

Section 5 provides for this special act to take effect upon its passage.

Notes:            Language approved by the April 14, 2025 Annual Town Meeting as Article 32 by a vote of 153 Yes and 33 No.