

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-577)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 333, L.D. 432, Bill, "AN ACT Concerning Notice of Right to Cure Defaults under the Consumer Credit Code."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 9-A MRSA §5.110, sub-§1, last sentence, as repealed and replaced by PL 1975, c. 429, §2, is repealed.

Sec. 2. 9-A MRSA §5.110, sub-§1, as amended by PL 1977, c. 159, §2, is further amended by adding at the end a new paragraph to read:

A creditor gives notice to the consumer under this section by mailing the notice to the consumer's residence:

A. By certified mail, return receipt requested. For purposes of this paragraph, the time when notice is given shall be the date the consumer signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it; or

B. By ordinary mail. For purposes of this paragraph, the time when notice is given shall be the date the consumer receives it. A post office department certificate of mailing to the consumer shall be conclusive proof of receipt on the 3rd calendar day after mailing.'

Statement of Fact

This amendment gives a creditor 2 ways to deliver a notice of the consumer's right to cure a default. The creditor may send the notice by certified mail, in which case the 20-day opportunity for the consumer to cure his default begins when the consumer signs the return receipt or, if the notice is undeliverable, when the post office makes its last attempt to deliver. The 2nd/<sup>way a</sup> creditor may send the notice by ordinary mail, in which case the 20-day period begins when the consumer receives the notice. Under the latter method, receipt of the notice on the 3rd calendar day after mailing is conclusively proved by a post office certification of mailing.

Reported by the Committee on Business Legislation  
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