

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1717

(Filing No. S-152)

STATE OF MAINE
SENATE
113TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 576, L.D. 1717, Bill, "AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine."

Amend the amendment by inserting at the end before the emergency clause the following:

'PART C

Sec. 1. 13-A MRSA §1301, sub-§3, as amended by PL 1977, c. 130, §§22 to 24, is further amended to read:

3. The annual report shall be executed as provided by section 104, except that signing by any one of the president, a vice-president, the secretary, the treasurer or an assistant secretary, without a 2nd signature, shall be deemed valid under section 104, subsection 1, paragraph B, subparagraph (2). Such Subject to rules adopted under section 1303, subsection 4, the report shall be delivered to the Secretary of State for filing between the first day of January and the first day of June of the year next succeeding the calendar year for which the report is to be made. Proof to the satisfaction of the Secretary of State that on or prior to the first day of June such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. One copy of the report, together with the filing fee required by this Act, shall be delivered for filing to the Secretary of State who shall file the report, if he finds that it conforms to the requirements of this Act. If he finds that it does not so conform, he shall promptly mail or otherwise return the same to the corporation for any necessary corrections, in which event the penalties prescribed by this Act for failure to file such report within the time herein provided shall not apply, if such report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30

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days from the date on which it was so mailed or otherwise returned to the corporation by the Secretary of State.

Sec. 2. 13-A MRSA §1303, sub-§§2 and 3, as enacted by PL 1971, c. 439, §1, are amended to read:

2. The power to prescribe forms for all documents required or permitted to be filed with him, and to refuse to file documents not utilizing such forms to the extent possible; and

3. The power to refuse to file any document which is not clearly legible, or which may not be clearly reproducible photographically; and

Sec. 3. 13-A MRSA §1303, sub-§4 is enacted to read;

4. The power, through the rule-making process, to provide alternative dates for filing annual reports and for determining the dates covered by those reports.

Sec. 4. 13-B MRSA §1301, sub-§4, as enacted by PL 1977, c. 525, §13, is amended to read:

4. Filing. The Subject to rules adopted under section 1302-A, subsection 4, the biennial report shall be delivered for filing between the first day of January and the first day of June of the year next succeeding the 2nd calendar year of the biennium for which the report is to be made. One copy of the report shall be delivered for filing to the Secretary of State, who shall file the report if he finds that it conforms to the requirements of this Act.

The Secretary of State shall promulgate rules and regulations to provide that approximately 1/2 of the biennial reports shall be filed in each calendar year.

Sec. 5. 13-B MRSA §1302-A, sub-§§2 and 3, as enacted by PL 1977, c. 592, §17, are amended to read:

2. Prescribe forms. The power to prescribe forms for

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all documents required or permitted to be filed with him and to refuse to file documents not utilizing those forms to the extent possible; **and**

3. Refuse to file. The power to refuse to file any document which is not clearly legible or which may not be clearly reproducible photographically; and

Sec. 6. 13-B MRSA §1302-A, sub-§4 is enacted to read:

4. Report dates. The power, through the rule-making process, to provide alternative dates for filing biennial reports and for determining the dates covered by those reports.'

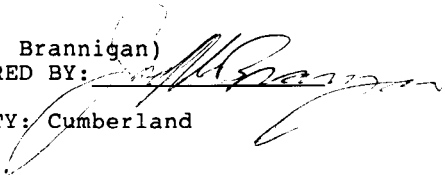
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STATEMENT OF FACT

This amendment provides flexibility to the Bureau of Corporations to eliminate a backlog caused by corporation reports coming due on a single date. Changes could only be made after a public hearing is held in accordance with the Maine Administrative Procedure Act, Maine Revised Statutes, Title 5, chapter 375, to ensure that such a change would be beneficial for the business community as well as the Bureau of Corporations.

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(Sen. Brannigan)
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COUNTY: Cumberland

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