

MAINE STATE LEGISLATURE

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L.D. 1918

(Filing No. H-833)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1388, L.D. 1918, Bill, "An Act to Amend the Laws Affecting the Operations of the Bureau of Corporations, Elections and Commissions"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Amend the Laws Affecting the Operations of the Department of the Secretary of State'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 3 MRSA §317, sub-§3 is enacted to read:

3. Facsimile copies. The Secretary of State may, by rules adopted pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, establish procedures and fees by which facsimile copies of duly executed reports required by this section may be received and filed with the office of the Secretary of State.

Sec. 2. 3 MRSA §321, sub-§§5 and 6 are enacted to read:

5. Acceptance or rejection of forms. The Secretary of State may prescribe forms for all documents required or permitted to be filed with the office of the Secretary of State and may refuse to accept documents not filed on those forms.

6. Refusal of filing. The Secretary of State may refuse to accept any document that is not legible or that may not be clearly reproduced photographically.

Sec. 3. 13-A MRSA §1301, sub-§1, ¶B, as enacted by PL 1971, c. 439, §1, is amended to read:

B. The address of the registered office of the corporation in this State, and the name of its clerk if a domestic corporation, or its registered agent if a foreign

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2 corporation, in this State at such address including the
street or rural route number, town or city, county and
4 state; and, in the case of a foreign corporation, the
address of its registered or principal office in its
jurisdiction of incorporation;

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8 **Sec. 4. 13-A MRSA §1301, sub-§2,** as repealed and replaced by
PL 1987, c. 879, §7, is amended to read:

10 2. The Secretary of State shall specify by rule the period
of time to which the annual report applies as provided in section
12 1301, subsection 3. The information contained in the annual
report must be current as of the date the report is signed and
14 ~~delivered--to--the--Secretary--of--State--in--accordance--with--this~~
~~chapter.~~

16
18 **Sec. 5. 13-A MRSA §1301, sub-§3,** as amended by PL 1989, c.
501, Pt. L, §23, is further amended to read:

20 3. The annual report must be executed as provided by
section 104, except that signing by any one of the president, a
22 vice-president, the secretary, the treasurer or an assistant
secretary or any other duly authorized individual, without a 2nd
24 signature, shall may be deemed valid under section 104,
subsection 1, paragraph B, subparagraph (2). Subject to rules
26 adopted under section 1303, subsection 4, the report shall must
be delivered to the Secretary of State or designee for filing.
28 The annual reports shall must be delivered to the Secretary of
State on a staggered basis as defined by the Secretary of State
30 by rule in accordance with the Maine Administrative Procedure
Act, Title 5, chapter 375. The report shall must apply to the
32 12-month period specified by the Secretary of State. Proof to
the satisfaction of the Secretary of State that, prior to the
34 date that penalties become effective for late delivery of annual
reports as established by the Secretary of State by rule, the
36 report was deposited in the United States mail in a sealed
envelope, properly addressed, with postage prepaid, shall ~~be~~ is
38 deemed a compliance with this requirement. One copy of the
report, together with the filing fee required by this Act, shall
40 must be delivered for filing to the Secretary of State who shall
file the report, if the Secretary of State finds that it conforms
42 to the requirements of this Act. If the Secretary of State finds
that it does not so conform, the Secretary of State shall
44 promptly mail or otherwise return the same to the corporation for
any necessary corrections, in which event the penalties
46 prescribed by this Act for failure to file such report within the
time herein provided shall do not apply, if such report is
48 corrected to conform to the requirements of this Act and returned
to the Secretary of State within 30 days from the date on which
50 it was so mailed or otherwise returned to the corporation by the
Secretary of State.'

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STATEMENT OF FACT

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6 For all reports filed with the office of the Secretary of
State under the lobbyist disclosure procedures in the Maine
Revised Statutes, Title 3, chapter 15, this amendment allows the
8 Secretary of State to prescribe the forms to be used, to refuse
to accept illegible reports and to adopt rules governing the
10 treatment of facsimile copies of those reports.

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14 For annual reports of domestic and foreign corporations
filed with the Secretary of State under Title 13-A, chapter 13,
this amendment deletes the requirement that the reports include
the name of the county in which the domestic corporation is
16 located, allows the report to be current as of the date signed
rather than as of the date delivered and allows the Secretary of
18 State to decide whether or not annual reports signed by only one
officer of the corporation are valid reports.

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Reported by the Committee on State and Local Government
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