

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1259

H.P. 859

House of Representatives, April 7, 2015

An Act To Increase Consumer Protections

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 11 MRSA §9-1516, sub-§(2), ¶¶(f) and (g),** as enacted by PL 1999, c.
3 699, Pt. A, §2 and affected by §4, are amended to read:

4 (f). In the case of an assignment reflected in an initial financing statement under
5 section 9-1514, subsection (1) or an amendment filed under section 9-1514,
6 subsection (2), the record does not provide a name and mailing address for the
7 assignee; ~~or~~

8 (g). In the case of a continuation statement, the record is not filed within the 6-
9 month period prescribed by section 9-1515, subsection (4);~~;~~

10 **Sec. 2. 11 MRSA §9-1516, sub-§(2), ¶¶(h) and (i)** are enacted to read:

11 (h). The record is fraudulent or appears to be fraudulent; or

12 (i). The record pertains to matter outside of the scope of this Title.

13 **Sec. 3. 11 MRSA §9-1520, sub-§(5)** is enacted to read:

14 (5). A refusal to file a record by a filing office under this section is a final agency
15 action for purposes of Title 5, chapter 375, subchapter 7.

16 **SUMMARY**

17 This bill amends the Uniform Commercial Code. Under the bill, a filing office may
18 refuse to file a record on the basis that the record is fraudulent or appears to be fraudulent
19 and that the record pertains to a matter outside of the scope of the Uniform Commercial
20 Code. This bill also clarifies that a filing office's refusal to file a record is a final agency
21 action subject to judicial review under the Maine Administrative Procedure Act.