

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
102ND LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 816, L.D. 1107, Bill, "An Act to Correct Errors and Inconsistencies in Uniform Commercial Code and to Amend Certain Statutes to Conform Thereto."

Amend said Bill by inserting after section 4, a new section, as follows:

"Sec. 5. R. S., T. 11, §2-107, sub-§§(1) and (2), amended.  
Subsections (1) and (2) of section 2-107 of Title 11 of the Revised Statutes are amended to read as follows:

'(1) A contract for the sale of timber; minerals or the like or a structure or its materials to be removed from realty is a contract for the sale of goods within this Article if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) or of timber to be cut is a contract for the sale of goods within this Article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.'

Further amend said Bill by inserting after section 14, a new section, as follows:

"Sec. 14-A. R. S., T. 11, §6-104, subsection (1), paragraph (c), amended. Paragraph (c) of subsection (1) of section 6-104 of Title 11 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

'The fee for filing such a list and schedule shall be \$2.' "

Further amend said Bill by inserting after section 19, the following sections:

"Sec. 20. R. S., T. 11, §9-105, sub-§(1), ¶(f), amended.  
The last sentence of paragraph (f) of subsection (1) of section 9-105 of Title 11 of the Revised Statutes is amended to read as follows:

' "Goods" also includes the unborn young of animals, timber to be cut and growing crops;

Sec. 21. R. S., T. 11, §9-109, sub-§(4), amended. Subsection (4) of section 9-109 of Title 11 of the Revised Statutes is amended to read as follows:

'(4) Inventory. "Inventory," if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so furnished them, or if they are raw materials, work in process or materials used or consumed in a business. "Inventory" includes timber to be cut. Inventory of a person is not to be classified as his equipment.'

Sec. 22. R. S., T. 11, §9-204, sub-§(2), ¶(b), amended.  
Paragraph (b) of subsection (2) of section 9-204 of Title 11 of

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the Revised Statutes is amended to read as follows:

'(b) In fish until caught, in oil, gas or minerals until they are extracted; ~~in timber until it is cut;~~' "

Further amend said Bill by inserting after section 21, the following section:

"Sec. 22. R. S., T. 11, §9-307, sub-§(1), amended. Subsection (1) of section 9-307 of Title 11 of the Revised Statutes is amended to read as follows:

'(1) A buyer in ordinary course of business (section 1-201, subsection (9), other than a person buying timber, logs or pulpwood from a person engaged in timbering operations or from a person dealing in timber, logs or pulpwood and other than a person buying farm products from a person engaged in farming operations, takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.' "

Further amend said Bill by inserting after section 24, a new section, as follows:

"Sec. 24-A. R.S., T. 11, §9-504, sub-§(3), amended. The 2nd sentence of subsection (3) of section 9-504 of Title 11 of the Revised Statutes is amended to read as follows:

"Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor; and ~~except in the case of consumer goods~~ to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this State or who is known by the secured party to have a security interest in the collateral.'" "

Further amend said Bill by inserting after section 25, a new section, as follows:

"Sec. 25-A. R. S., T. 14, §4154, amended. The last sentence of section 4154 of Title 14 of the Revised Statutes is amended to read as follows:

'The municipal clerk, Secretary of State or register of deeds, as the case may be, shall receive the copy thereof with a fee of \$2, noting thereon the time, enter it in a suitable book or file and keep it on file for the inspection of those interested therein.' "

Further amend said Bill by renumbering the sections of the Bill to read consecutively.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

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