

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document

No. 601

6
7 H.P. 503

House of Representatives, February 8, 1983

8 Received by the Clerk of the House on February 8, 1983. Referred to the
9 Committee on Business Legislation, and ordered printed pursuant to Joint
10 Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Diamond of Bangor.

Cosponsors: Representative Bost of Orono, Representative Kelley of
Camden and Representative Daggett of Manchester.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Adjust Fees for Filing Documents
18 Pursuant to the Uniform Commerical Code.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 11 MRSA §6-104, sub-§(1), ¶(c), as
23 amended by PL 1965, c. 306, §15-A, is further amended
24 to read:

25 (c) The transferee preserves the list and sched-
26 ule for 6 months next following the transfer and
27 permits inspection of either or both and copying
28 therefrom at all reasonable hours by any creditor
29 of the transferor, or files the list and schedule
30 in the office of the Secretary of State. The fee
31 for filing such a list and schedule shall be \$2
32 \$5.

33 Sec. 2. 11 MRSA §9-403, sub-§(5), as amended by
34 PL 1981, c. 279, §1, is further amended to read:

1 (5) The fee for filing, indexing and furnishing
2 filing data for an original financing statement shall
3 be ~~\$5~~ \$6, except that a register of deeds shall
4 receive a filing fee of \$6 for the first record page
5 and \$2 for each additional record page. The fee for
6 filing, indexing and furnishing filing data for a
7 continuation statement or any amendment to a financ-
8 ing statement or to a continuation statement shall be
9 ~~\$3~~ \$6, except that a register of deeds shall receive
10 a filing fee of \$6 for the first record page and \$2
11 for each additional record page.

12 Sec. 3. 11 MRSA §9-404, sub-§(1), ¶(b), as
13 repealed and replaced by PL 1969, c. 582, §3, is
14 amended to read:

15 (b) With respect to financing statements filed
16 on or after April 1, 1970:

17 Whenever there is no outstanding secured obli-
18 gation and no commitment to make advances, incur
19 obligations or otherwise give value, the secured
20 party must within 30 days from the date on which
21 the foregoing first occurs, file a termination
22 statement stating that he no longer claims a
23 security interest under the financing statement,
24 which shall be identified by file number. A
25 termination statement signed by a person other
26 than the secured party of record must include or
27 be accompanied by the assignment or a statement
28 by the secured party of record that he has
29 assigned the security interest to the signer of
30 the termination statement. The fee for filing and
31 indexing such an assignment or statement thereof
32 shall be ~~\$3~~ \$6. If the affected secured party
33 fails to file such a termination statement, he
34 shall be liable to the debtor for \$10, and in ad-
35 dition for any loss caused to the debtor by such
36 failure.

37 Sec. 4. 11 MRSA §9-405, sub-§(1), as amended by
38 PL 1981, c. 279, §3, is further amended to read:

39 (1) A financing statement may disclose an
40 assignment of a security interest in the collateral
41 described in the financing statement by indication in
42 the financing statement of the name and address of

1 the assignee or by an assignment itself or a copy
2 thereof on the face or back of the statement. On
3 presentation to the filing officer of such a financ-
4 ing statement the filing officer shall mark the same
5 as provided in subsection (4) of section 9-403. The
6 uniform fee for filing, indexing and furnishing
7 filing data for a financing statement so indicating
8 an assignment shall be ~~\$5~~ \$6, except that a register
9 of deeds shall receive a filing fee of \$6 for the
10 first record page and \$2 for each additional record
11 page.

12 Sec. 5. 11 MRSA §9-407, sub-§(2), as amended by
13 PL 1981, c. 279, §4, is further amended to read:

14 (2) Upon the written request of any person, the
15 filing officer shall issue his certificate of infor-
16 mation, in such form as the Secretary of State may
17 approve, showing whether there is on file on the date
18 and hour stated therein any presently effective
19 financing statement naming a particular debtor and
20 any statement of assignment thereof and if there is,
21 giving the date and hour of filing of each such
22 statement and the names and addresses of each secured
23 party therein. The uniform fee for a certificate
24 shall be ~~\$5~~ \$6 for the first page of that certifi-
25 cate, plus ~~50¢~~ \$1 for each additional page. Upon
26 request the filing officer shall furnish a copy of
27 any filed financing statement, continuation state-
28 ment, termination statement, statement of assignment
29 or statement of release for a fee of ~~\$1~~ \$2 and if any
30 such statement consists of more than 3 pages, an ad-
31 ditional fee of ~~50¢~~ \$1 for the 4th and each succeed-
32 ing page.

33 Notwithstanding this subsection, if the filing offi-
34 cer is a municipal clerk or a register of deeds, his
35 issuance of the certificate of information is discre-
36 tionary.

37 Upon reasonable request and within the existing abil-
38 ity of the office of the Secretary of State to
39 respond, the filing officer shall furnish to any
40 municipal clerk, without charge and for municipal
41 purposes only, a copy of any filed financing state-
42 ment, continuation statement, termination statement,
43 statement of assignment or statement of release.

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STATEMENT OF FACT

The fees for filing Uniform Commercial Code documents have not been raised in the State for several years. The proposed increase in fees are consistent with those in states similar to Maine and will result in additional General Fund revenues.

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