

MAINE STATE LEGISLATURE

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L.D. 2077

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(Filing No. H-482)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1524, L.D. 2077,
Bill, "AN ACT to Implement Uniform Federal Lien
Registration."

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Amend the Bill in section 4 in that part
designated "§1803." by striking out all of subsection
3 and inserting in its place the following:

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'3. Personal property liens. Notices of federal
liens upon personal property, whether tangible or
intangible, except property of a type in which a
security interest is perfected under Title 11, section
9-401, subsection (1), paragraph (a), for obligations
payable to the United States and certificates and
notices affecting the liens, shall be filed with the
Secretary of State.'

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Further amend the Bill in section 4 in that part
designated "§1803." by adding at the end the following:

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'4. Timber, mineral and other liens. Notices of
federal liens upon personal property of a type in
which a security interest is perfected under Title 11,
section 9-401, subsection (1), paragraph (a), for
obligations payable to the United States and
certificates and notices affecting the liens, shall be
filed in the registry of deeds in the county or
counties where a mortgage on the real estate concerned
would be filed or recorded.'

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1 Further amend the Bill in section 4 in that part
2 designated "§1805." in subsection 1 by striking out
3 all of paragraph A and inserting in its place the
4 following:

5 'A. The Secretary of State, the filing officer
6 shall cause the notice to be marked, held and
7 indexed in accordance with Title 11, section
8 9-403, subsection (4), as if the notice were a
9 financing statement within the meaning of the
10 Uniform Commercial Code, Title 11, except that if
11 the property is of a type in which a security
12 interest is perfected under Title 5, section 90-A,
13 the Secretary of State shall cause the notice to
14 be marked, held and indexed in accordance with the
15 procedures established under Title 5, section
16 90-A, as if the notice were a financing statement
17 within the meaning of that section; or'

18 Further amend the Bill in that part designated
19 "§1806." in the 3rd line (page 5, line 28 in L.D.) by
20 inserting after the underlined word and figure
21 "subsection 8" the following: 'and Title 5, section 86'

22 STATEMENT OF FACT

23 This amendment makes 4 technical changes in the
24 bill to ensure conformity with present law and avoid
25 confusion over the proper filing of notices relating
26 to federal liens against certain personal property.

27 First, the amendment clarifies that all federal
28 liens affecting personal property, except those on a
29 type of personal property treated in section 2 of the
30 amendment, will be filed with the Secretary of State.

31 Second, the amendment provides an exception to the
32 general rule of filing with the Secretary of State for
33 notices of federal liens with respect to timber or
34 mineral, gas and oil interests. In order to conform
35 with present filing requirements, notices of such
36 liens will be filed in the registry of deeds in the
37 county where a mortgage on the real estate concerned

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1 would be filed.

2 Third, the amendment requires the Secretary of
3 State to cause notices of federal liens on farm
4 products to be filed in accordance with the Maine
5 Revised Statutes, Title 5, section 90-A, since that
6 provision applies to all other filings to perfect a
7 security interest in farm products.

8 Finally, the amendment inserts an omitted
9 cross-reference to avoid confusion over filing fees
10 when filing occurs with the Secretary of State.

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Reported by the Committee on Judiciary
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