

# MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1601, L.D. 2245, Bill, "An Act to Adopt the Model Revised Article 9 Secured Transactions"

Amend the bill in Part A in section 2 on page 9 in the last indented paragraph in the 3rd line (page 9, line 45 in L.D.) by striking out the following: "[Maine cite section 9-1115]"

Further amend the bill in Part A in section 2 on page 14 in the first indented paragraph in the last 2 lines (page 14, lines 28 and 29 in L.D.) by striking out the following: "[Maine cite sections 9-1526, 9-1527]" and inserting in its place the following: '[Maine cite section 9-1526; no Maine cite comparable to section 9-527]'

Further amend the bill in Part A in section 2 on page 16 in the last indented paragraph in the last line (page 16, line 50 in L.D.) by striking out the following: "relieves" and inserting in its place the following: 'relieve'

Further amend the bill in Part A in section 2 on page 18 in the 8th line (page 18, line 8 in L.D.) by striking out the following: "person" and inserting in its place the following: 'a person'

Further amend the bill in Part A in section 2 on page 23 in subsection (8) by inserting at the end the following: ""Bank" also includes any financial institution organized under Title 9-B or any successor title."

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Further amend the bill in Part A in section 2 on page 23 by striking out all of subsection (11) (page 23, lines 14 to 22 in L.D.) and inserting in its place the following:

'(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. "Chattel paper" does not include:

(a) Charters or other contracts involving the use or hire of a vessel; or

(b) Records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.'

Further amend the bill in Part A in section 2 on page 31 in subsection (60) by striking out the following: "debtor"" and inserting in its place the following: 'debtor,' except as used in section 9-1310, subsection (3),'

Further amend the bill in Part A in section 2 on page 32 by inserting after subsection (64) the following:

'(64-A) "Production money crops" means crops that secure a production-money obligation incurred with respect to the production of those crops.

(64-B) "Production-money obligation" means an obligation of an obligor incurred for new value given to enable the debtor to produce crops if the value is in fact used for the production of the crops.

(64-C) "Production of crops" includes tilling and otherwise preparing land or other growth medium for growing, planting, cultivating, fertilizing, irrigating, harvesting and gathering crops and protecting them from damage or disease.'

Further amend the bill in Part A in section 2 on page 37 in the 24th line (page 37, line 24 in L.D.) by striking out the following: "in provided" and inserting in its place the following: 'provided'

2 Further amend the bill in Part A in section 2 on page 41 in  
3 paragraph c in the 13th and 14th lines (page 41, lines 47 and 48  
4 in L.D.) by striking out the following: "9-301(6) [Maine cite  
5 section 9-1301, subsection (6)]" and inserting in its place the  
6 following: '9-301(4) [Maine cite section 9-1301, subsection (4)]'

8 Further amend the bill in Part A in section 2 on page 43 by  
9 striking out all of paragraph b (page 43, lines 26 to 50 in L.D.)  
10 and inserting in its place the following:

12 'b. "Chattel Paper"; "Electronic Chattel Paper"; "Tangible  
13 Chattel Paper." "Chattel paper" consists of a monetary  
14 obligation together with a security interest in or a lease  
15 of specific goods if the obligation and security interest or  
16 lease are evidenced by "a record or records." The  
17 definition has been expanded from that found in former  
18 Article 9 to include records that evidence a monetary  
19 obligation and a security interest in specific goods and  
20 software used in the goods, a security interest in specific  
21 goods and license of software used in the goods or a lease  
22 of specific goods and license of software used in the  
23 goods. The expanded definition covers transactions in which  
24 the debtor's or lessee's monetary obligation includes  
25 amounts owed with respect to software used in the goods.  
26 The monetary obligation with respect to the software need  
27 not be owed under a license from the secured party or lessor  
28 and the secured party or lessor need not be a party to the  
29 license transaction itself. Among the types of monetary  
30 obligations that are included in "chattel paper" are amounts  
31 that have been advanced by the secured party or lessor to  
32 enable the debtor or lessee to acquire or obtain financing  
33 for a license of the software used in the goods.

34 Charters of vessels are expressly excluded from the  
35 definition of chattel paper; they are accounts. The term  
36 "charter" as used in this section includes bareboat  
37 charters, time charters, successive voyage charters,  
38 contracts of freightment, contracts of carriage, and all  
39 other arrangements for the use of vessels.

42 Under former Section 9-105, only if the evidence of an  
43 obligation consisted of "a writing or writings" could an  
44 obligation qualify as chattel paper. In this Article,  
45 traditional, written chattel paper is included in the  
46 definition of "tangible chattel paper." "Electronic chattel  
47 paper" is chattel paper that is stored in an electronic  
48 medium instead of in tangible form. The concept of an  
49 electronic medium should be construed liberally to include  
50 electrical, digital, magnetic, optical, electromagnetic, or

any other current or similar emerging technologies.'

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Further amend the bill in Part A in section 2 on page 44 in paragraph d in the 13th line (page 44, line 43 in L.D.) by striking out the following: "letter or" and inserting in its place the following: 'letter of'

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Further amend the bill in Part A in section 2 on page 46 in paragraph f in the 14th line (page 46, line 17 in L.D.) by striking out the following: "obligations" and inserting in its place the following: 'obligation'

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Further amend the bill in Part A in section 2 on page 46 in the 2nd indented paragraph in the 2nd line (page 46, line 29 in L.D.) by striking out the following: "obligations" and inserting in its place the following: 'obligation'

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Further amend the bill in Part A in section 2 on page 50 in subsection 7 in the 5th line (page 50, line 24 in L.D.) by striking out the following: "[Maine cite section 9-1109]"

20

Further amend the bill in Part A in section 2 on page 54 in subsection 13 in the 4th line (page 54, line 27 in L.D.) by striking out the following: "[Maine cite section 9-1306]"

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Further amend the bill in Part A in section 2 on page 54 in subsection 13 in paragraph b in the 2nd line (page 54, line 45 in L.D.) by striking out the following: "(6)" and inserting in its place the following: '(b)'

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Further amend the bill in Part A in section 2 on page 56 in subsection 17 in the 3rd and 4th lines (page 56, lines 20 and 21 in L.D.) by striking out the following: "[Maine cite section 9-1105]"

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Further amend the bill in Part A in section 2 on page 56 in subsection 19 in the last line (page 56, line 36 in L.D.) by striking out the following: "subsection (3)" and inserting in its place the following: 'last paragraph'

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Further amend the bill in Part A in section 2 on page 57 by inserting after subsection 26 the following:

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**'Maine Comment**

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The definition of "Bank" is expanded to include all universal banks and limited-purpose banks organized under Title 9-B. Several of these institutions have, or may have, limited powers that include maintaining deposit accounts, but they are not engaged in the business of banking. This nonuniform

2 provision ensures that deposit accounts with such institutions  
are governed by this Article.

4 The last paragraph of Official Comment 4(a) to this section  
and the Official Comment 11 to section 9-1324 state that the  
6 courts are to determine on a case-by-case basis whether  
particular aquatic goods constitute "crops" or "livestock." If  
8 the item is determined to be a "crop," then it may be the subject  
of a production-money security interest; if it is "livestock,"  
10 then it can not. See section 9-1324-A. Suppliers of feed and  
other items on credit for the growing of aquaculture goods, as  
12 well as lenders who finance purchases of these items, who take  
security interests in the goods will therefore be unable to  
14 determine with certainty the priority that they will have in the  
aquatic goods. This is an unacceptable level of uncertainty for,  
16 Maine's growing aquaculture industry and others. Therefore, the  
above-referenced Official Comments should be disregarded to the  
18 extent that they leave the classification of aquatic goods as  
"crops" or "livestock" undetermined. Instead, it is intended  
20 that aquatic goods that most closely approximate plants will be  
classified as "crops," while those that are animal in nature will  
22 be classified as "livestock."

24 Section 9-1102(44)(d) provides that "goods" includes "crops"  
even if the crops are produced on trees, vines or bushes.  
26 "Crops" may also include certain aquatic goods. It is intended  
that the reference to "trees, vines or bushes" in section  
28 9-1102(44)(d) also includes aquatic goods that are crops even if  
those aquatic goods are not produced on trees, vines and bushes  
30 but are, instead, produced on some other item in a manner  
analogous to the way in which terrestrial crops are produced on  
32 trees, vines or bushes. The overall principle to be applied is  
that "aquatic goods" that are "crops" are, for the purposes of  
34 this Article 9-A, to be treated in the same manner as terrestrial  
"crops."

36 Because Maine has chosen to include optional section  
38 9-1324-A that relates to the priority of production-money  
security interests and agricultural liens, the following optional  
40 definitions have been added to section 9-1102: "production-money  
crops," "production-money obligation" and "production of crops."

42 With regard to the Official Comment, subsection 11 on  
44 "registered organization," it should be noted that the Secretary  
of State is not required to maintain a public record on all  
46 private and special act corporations organized under Maine law.  
Lenders and practitioners should pay particular care when dealing  
48 with such entities in secured transactions.'

50 Further amend the bill in Part A in section 2 on page 63 in

subsection 8 in the last line (page 63, line 50 in L.D.) by striking out the following: "than a" and inserting in its place the following: 'than'

Further amend the bill in Part A in section 2 on page 64 by inserting before that part designated "~~§9-1103-A.~~" the following:

**'Maine Comment**

Section 9-1103, subsection (8) provides that the courts will determine the proper rules in consumer-goods transactions. Pursuant to section 9-1201, subsection (3), this provision is subject to other statutory mandates. See, e.g., Maine Revised Statutes, Title 9-A, section 3-303.'

Further amend the bill in Part A in section 2 on page 65 in that part designated "~~§9-1104.~~" in subsection (1) in paragraph (b) in the 4th line (page 65, line 47 in L.D.) by striking out the following: "account" and inserting in its place the following: 'deposit account'

Further amend the bill in Part A in section 2 on page 68 in subsection 4 in the 8th line (page 68, line 40 in L.D.) by striking out the following: "paragraph (d)" and inserting in its place the following: 'subsection (4)'

Further amend the bill in Part A in section 2 on page 77 in paragraph (1) in the last line (page 77, line 26 in L.D.) by striking out the following: "or"

Further amend the bill in part A in section 2 on page 77 in paragraph (m) in the last line (page 77, line 30 in L.D.) by striking out the following: "." and inserting in its place the following: '.'

Further amend the bill in Part A in section 2 on page 77 by inserting after paragraph (m) the following:

'(n) A claim or right to receive compensation for injuries or sickness, other than health-care insurance receivables, as described in 26 United States Code, Section 104(a)(1) or (2); or

(o) A claim or right to receive benefits under a special needs trust as described in 42 United States Code, Section 1396p(d)(4).'

Further amend the bill in Part A in section 2 on page 86 by inserting before that part designated "~~§9-1110.~~" the following:

2

**'Maine Comment**

4

Two categories, falling under the definition of "payment intangibles," are added to the list to which Article 9-A does not apply. Current Maine law affords important consumer protections and guidance to insurance companies concerning structured settlements.

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United States Code, Title 26, Section 104(a)(1) exempts from gross income amounts received under a workers' compensation act for personal injury or sickness. This exemption does not apply to amounts deductible under Section 213.

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United States Code, Title 26, Section 104(a)(2) exempts from gross income nonpunitive damages, received by suit or agreement, for physical injury or sickness, regardless of whether the damages are received in a lump sum or in periodic payments. This exemption does not apply to amounts deductible under Section 213.

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United States Code, Title 26, Section 213 allows a deduction for noncompensated medical expenses to the extent that such expenses exceed 7.5% of adjusted gross income.

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United States Code, Title 42, Section 1396p(d)(4) describes certain trusts established for the benefit of an individual and pursuant to which, upon the individual's death, the State either will receive all amounts remaining in the trust, up to the amount of the medical assistance paid on behalf of the individual under a state plan, or, in the case of a trust containing pooled assets, will receive any amounts remaining in the individual's account that are not retained by the trust, up to the amount of the medical assistance paid on behalf of the individual under a state plan.'

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Further amend the bill in Part A in section 2 on page 88 in that part designated "§9-1201." by striking out all of subsection (2) and inserting in its place the following:

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'(2) A transaction subject to this Article is subject to any applicable rule of law that establishes a different rule for consumers, including Title 9-A, Title 30-A, sections 3960 to 3964-A and Title 32, sections 11001 to 11054.'

42

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Further amend the bill in Part A in section 2 on page 89 by inserting before that part designated "§9-1202." the following:

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**'Maine Comment**

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With the exception of section 9-1626, the Maine Act follows



COMMITTEE AMENDMENT "<sup>A</sup>" to H.P. 1601, L.D. 2245

2 the uniform approach, leaving consumer protection rules found in  
3 other laws unchanged. As in the Uniform Act, the section  
4 provides a nonexclusive list of relevant consumer laws and  
5 indicates that they supersede Article 9-A rules, when applicable,  
6 by their own terms.'

8 Further amend the bill in Part A in section 2 on page 93 in  
9 subsection 3 in the 2nd line (page 93, line 14 in L.D.) by  
10 inserting after the following: "(2)" the following: ', paragraph  
(c)'

12 Further amend the bill in Part A in section 2 on page 101 in  
13 subsection 4 in the 6th line (page 101, line 46 in L.D.) by  
14 inserting after the following: "9-203" the following: '[Maine  
15 cite section 9-1203]'

16 Further amend the bill in Part A in section 2 on page 107 in  
17 that part designated "~~§9-1208.~~" in subsection (2) in the first  
18 line (page 107, line 34 in L.D.) by striking out the following:  
19 "10" and inserting in its place the following: '20'

22 Further amend the bill in Part A in section 2 on page 109 by  
23 inserting after subsection 4 the following:

24 **'Maine Comment**

26 Section 9-1208 imposes duties on a secured party to release,  
27 within 10 days of receiving a request from a debtor, the secured  
28 party's rights in deposit accounts, electronic chattel paper and  
29 investment property if there is no outstanding secured obligation  
30 or commitment to advance funds or give value. Failure to comply  
31 subjects the secured party to penalties under section 9-1625.  
32 The response time of 10 days is too short given the  
33 administrative burden on lenders and potential penalties for  
34 failure to comply. In view of these factors, Maine law changes  
35 the response time from 10 days to 20 days.'

38 Further amend the bill in Part A in section 2 on page 110 in  
39 subsection (2) in the first line (page 110, line 2 in L.D.) by  
40 striking out the following: "10" and inserting in its place the  
41 following: '20'

44 Further amend the bill in Part A in section 2 on page 110 by  
45 inserting before that part designated "~~§9-1210.~~" the following:

46 **'Maine Comment**

48 Section 9-1209 imposes duties on a secured party who has  
49 notified an account debtor of an assignment to inform the account  
50 debtor of the fulfillment or discharge of debtor's obligations to

2 a secured party. Failure to comply subjects the secured party to  
penalties under section 9-1625. The response time of 10 days is  
4 too short given the administrative burden on lenders and  
potential penalties for failure to comply. In view of these  
6 factors, Maine law changes the response time from 10 days to 20  
days.'

8 Further amend the bill in Part A in section 2 on page 111 in  
that part designated "§9-1210." in subsection (2) in the 4th line  
10 (page 111, line 16 in L.D.) by striking out the following: "14"  
and inserting in its place the following: '20'

12 Further amend the bill in Part A in section 2 on page 111 in  
14 that part designated "§9-1210." in subsection (3) in the 5th line  
(page 111, line 30 in L.D.) by striking out the following: "14"  
16 and inserting in its place the following: '20'

18 Further amend the bill in Part A in section 2 on page 111 in  
that part designated "§9-1210." in subsection (4) in the 4th line  
20 (page 111, line 35 in L.D.) by striking out the following: "14"  
and inserting in its place the following: '20'

22 Further amend the bill in Part A in section 2 on page 111 in  
24 that part designated "§9-1210." in subsection (5) in the 5th line  
(page 111, line 48 in L.D.) by striking out the following: "14"  
26 and inserting in its place the following: '20'

28 Further amend the bill in Part A in section 2 on page 113 by  
inserting after subsection 7 the following:

30  
32 **'Maine Comment**

34 Section 9-1210 requires secured lenders to respond to a  
request for an accounting, a list of collateral or a statement of  
36 accounts in 14 days. Failure to comply subjects the secured  
lender to penalties under section 9-1625. The response time of  
38 14 days is too short given the administrative burden on lenders  
and potential penalties for failure to comply. In view of these  
40 factors, Maine law changes the response time from 14 days to 20  
days.'

42 Further amend the bill in Part A in section 2 on page 116 in  
subsection 4 in the 2nd line (page 116, line 10 in L.D.) by  
44 striking out the following: "paragraph (a)" and inserting in its  
place the following: 'subsection (1)'

46 Further amend the bill in Part A in section 2 on page 116 in  
48 subsection 4 in the 8th line (page 116, line 17 in L.D.) by  
striking out the following: "paragraph (a)" and inserting in its  
50 place the following: 'subsection (1)'

2 Further amend the bill in Part A in section 2 on page 116 in  
subsubsection 4 in the 15th line (page 116, line 24 in L.D.) by  
4 striking out the following: "paragraph (a)" and inserting in its  
place the following: 'subsection (1)'

6  
8 Further amend the bill in Part A in section 2 on page 116 in  
subsubsection 4 in the 23rd line (page 116, line 32 in L.D.) by  
striking out the following: "paragraph (a)" and inserting in its  
10 place the following: 'subsection (1)'

12 Further amend the bill in Part A in section 2 on page 116 in  
subsubsection 5 in the 10th line (page 116, line 48 in L.D.) by  
14 striking out the following: "paragraph (b)" and inserting in its  
place the following: 'subsection (2)'

16  
18 Further amend the bill in Part A in section 2 on page 116 in  
subsubsection 5 in the 12th line (page 116, line 50 in L.D.) by  
striking out the following: "paragraph (4) [Maine cite paragraph  
20 (d)]" and inserting in its place the following: 'paragraph (3)(A)  
[Maine cite subsection (3), paragraph (a)]'

22  
24 Further amend the bill in Part A in section 2 on page 117 in  
the first line (page 117, line 1 in L.D.) by striking out the  
following: "paragraph (5) [Maine cite paragraph (e)]" and  
26 inserting in its place the following: 'paragraph (3)(B) [Maine  
cite subsection (3), paragraph (b)]'

28  
30 Further amend the bill in Part A in section 2 on page 117 in  
the 2nd and 3rd lines (page 117, lines 2 and 3 in L.D.) by  
striking out the following: "paragraph (6) [Maine cite paragraph  
32 (f)]" and inserting in its place the following: 'paragraph (4)  
[Maine cite subsection (4)]'

34  
36 Further amend the bill in Part A in section 2 on page 117 in  
paragraph a in the 2nd line (page 117, line 6 in L.D.) by  
striking out the following: "paragraph (b)" and inserting in its  
38 place the following: 'subsection (2)'

40  
42 Further amend the bill in Part A in section 2 on page 117 in  
paragraph a in the 6th line (page 117, line 10 in L.D.) by  
striking out the following: "paragraph (b)" and inserting in its  
44 place the following: 'subsection (2)'

46  
48 Further amend the bill in Part A in section 2 on page 117 in  
the first indented paragraph in the 13th line (page 117, line 25  
in L.D.) by striking out the following: "paragraph (c)" and  
inserting in its place the following: 'subsection (3)'

50 Further amend the bill in Part A in section 2 on page 117 in

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2 paragraph b in the 2nd line (page 117, line 32 in L.D.) by  
striking out the following: "paragraph (a)" and inserting in its  
place the following: 'subsection (1)'

4  
6 Further amend the bill in Part A in section 2 on page 117 in  
paragraph b in the 13th line (page 117, line 43 in L.D.) by  
striking out the following: "paragraph (c), subparagraph (i)" and  
8 inserting in its place the following: 'subsection (3), paragraph  
(a)'

10  
12 Further amend the bill in Part A in section 2 on page 117 in  
paragraph b in the 17th and 18th lines (page 117, lines 47 and 48  
in L.D.) by striking out the following: "paragraph (c),  
14 subparagraph (iii)" and inserting in its place the following:  
'subsection (3), paragraph (c)'

16  
18 Further amend the bill in Part A in section 2 on page 118 in  
paragraph c in the 2nd line (page 118, line 3 in L.D.) by  
striking out the following: "paragraph (a)" and inserting in its  
20 place the following: 'subsection (1)'

22  
24 Further amend the bill in Part A in section 2 on page 118 in  
paragraph c in the 5th and 6th lines (page 118, lines 6 and 7 in  
L.D.) by striking out the following: "paragraph (c), subparagraph  
(ii)" and inserting in its place the following: 'subsection (3),  
26 paragraph (b)'

28  
30 Further amend the bill in Part A in section 2 on page 118 in  
paragraph c in the 9th and 10th lines (page 118, lines 10 and 11  
in L.D.) by striking out the following: "paragraph (c),  
subparagraph (iii)" and inserting in its place the following:  
32 'subsection (3), paragraph (c)'

34  
36 Further amend the bill in Part A in section 2 on page 118 in  
the first indented paragraph in the first and 2nd lines (page  
118, lines 15 and 16 in L.D.) by striking out the following:  
"paragraph (c), subparagraph (ii)" and inserting in its place the  
38 following: 'subsection (3), paragraph (b)'

40  
42 Further amend the bill in Part A in section 2 on page 118 in  
the first indented paragraph in the 4th line (page 118, line 18  
in L.D.) by striking out the following: "paragraph (a)" and  
inserting in its place the following: 'subsection (1)'

44  
46 Further amend the bill in Part A in section 2 on page 118 in  
paragraph d in the 2nd line (page 118, line 27 in L.D.) by  
striking out the following: "paragraph (d)" and inserting in its  
48 place the following: 'subsection (4)'

50 Further amend the bill in Part A in section 2 on page 118 in

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2 subsection 6 in the 4th line (page 118, line 40 in L.D.) by  
striking out the following: "paragraph (a)" and inserting in its  
place the following: 'subsection (1)'

4  
6 Further amend the bill in Part A in section 2 on page 118 in  
subsection 6 in the 6th line (page 118, line 42 in L.D.) by  
striking out the following: "paragraph (b)" and inserting in its  
place the following: 'subsection (2)'

10 Further amend the bill in Part A in section 2 on page 119 in  
the 3rd line (page 119, line 3 in L.D.) by striking out the  
following: "paragraph (a)" and inserting in its place the  
following: 'subsection (1)'

14 Further amend the bill in Part A in section 2 on page 119 in  
the first indented paragraph in the 2nd line (page 119, line 14  
in L.D.) by striking out the following: "pargarph (c)  
18 subparagraph (iii)" and inserting in its place the following:  
'subsection (3), paragraph (c)'

20 Further amend the bill in Part A in section 2 on page 119 in  
the 2nd indented paragraph in the first and 2nd lines (page 119,  
lines 24 and 25 in L.D.) by striking out the following:  
24 "paragraph (c), subparagraph (iii)" and inserting in its place  
the following: 'subsection (3), paragraph (c)'

26 Further amend the bill in Part A in section 2 on page 120 in  
the 4th line (page 120, line 4 in L.D.) by striking out the  
following: "paragraph (c)" and inserting in its place the  
following: 'subsection (3)'

32 Further amend the bill in Part A in section 2 on page 132 in  
that part designated "~~§9-1307.~~" in subsection (2) in the 2nd line  
34 (page 132, line 19 in L.D.) by striking out the following:  
"location." and inserting in its place the following: 'location.'

36 Further amend the bill in Part A in section 2 on page 132 in  
38 that part designated "~~§9-1307.~~" in subsection (2) in paragraph  
(a) in the first line (page 132, line 21 in L.D.) by striking out  
40 the following: "An" and inserting in its place the following: 'A'

42 Further amend the bill in Part A in section 2 on page 141 in  
that part designated "~~§9-1309.~~" in subsection 1 in the first line  
44 (page 141, line 23 in L.D.) by striking out the following:  
"consumer goods" and inserting in its place the following: 'a  
46 consumer good having a purchase price of \$10,000 or less'

48 Further amend the bill in Part A in section 2 on page 142 in  
50 subsection 2 in the 3rd to 5th lines (page 142, lines 24 to 26 in  
L.D.) by striking out the following: "[Maine cite section 9-1302,

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2 subsection (1), section 9-115, subsection (4), paragraph (c) and  
(d), and section 9-1116]"

4 Further amend the bill in Part A in section 2 on page 142 in  
6 subsection 3 in the 3rd line (page 142, line 32 in L.D.) by  
striking out the following: "paragraph (a)" and inserting in its  
place the following: 'subsection (1)'

8  
10 Further amend the bill in Part A in section 2 on page 142 in  
12 subsection 4 in the first and 2nd lines (page 142, lines 45 and  
46 in L.D.) by striking out the following: "paragraph (b)" and  
inserting in its place the following: 'subsection (2)'

14 Further amend the bill in Part A in section 2 on page 142 in  
16 subsection 4 in the 5th line (page 142, line 49 in L.D.) by  
striking out the following: "paragraph (b)" and inserting in its  
place the following: 'subsection (2)'

18  
20 Further amend the bill in Part A in section 2 on page 143 in  
the first indented paragraph in the first line (page 143, line 9  
22 in L.D.) by striking out the following: "paragraphs (c) and (d)"  
and inserting in its place the following: 'subsections (3) and  
(4)'

24  
26 Further amend the bill in Part A in section 2 on page 143 in  
the first indented paragraph in the 8th line (page 143, line 16  
28 in L.D.) by striking out the following: "paragraph (b)" and  
inserting in its place the following: 'subsection (2)'

30 Further amend the bill in Part A in section 2 on page 143 in  
32 the first indented paragraph in the 10th line (page 143, line 18  
in L.D.) by striking out the following: "paragraph (c)" and  
inserting in its place the following: 'subsection (3)'

34  
36 Further amend the bill in Part A in section 2 on page 143 in  
subsection 5 in the 2nd line (page 143, line 22 in L.D.) by  
38 striking out the following: "paragraph (e)" and inserting in its  
place the following: 'subsection (5)'

40 Further amend the bill in Part A in section 2 on page 143 in  
42 subsection 6 in the 2nd line (page 143, line 34 in L.D.) by  
striking out the following: "paragraph (i)" and inserting in its  
place the following: 'subsection (9)'

44  
46 Further amend the bill in Part A in section 2 on page 143 in  
the 4th indented paragraph in the first and 2nd lines (page 143,  
48 lines 38 and 39 in L.D.) by striking out the following:  
"paragraphs (j) and (k)" and inserting in its place the  
following: 'subsections (10) and (11)'

2 Further amend the bill in Part A in section 2 on page 144 in  
the first indented paragraph in the 9th line (page 144, line 21  
4 in L.D.) by striking out the following: "paragraph (j)" and  
inserting in its place the following: 'subsection (10)'

6  
8 Further amend the bill in Part A in section 2 on page 144 in  
the first indented paragraph in the 2nd and 3rd lines from the  
end (page 144, lines 33 and 34 in L.D.) by striking out the  
10 following: "paragraph (j)" and inserting in its place the  
following: 'subsection (10)'

12  
14 Further amend the bill in Part A in section 2 on page 145 in  
the first paragraph in the 11th line (page 145, line 11 in L.D.)  
16 by striking out the following: "paragraph (j)" and inserting in  
its place the following: 'subsection (10)'

18 Further amend the bill in Part A in section 2 on page 145 by  
inserting after subsection 8 the following:

20  
22 **'Maine Comment**

24 This provision continues Maine's nonuniform filing  
requirement for purchase-money security interests in consumer  
goods. The new law changes the dollar minimum for filing  
26 requirements from \$2,000 to \$10,000 and clarifies that the limit  
applies to the price of individual items financed. Filing may  
28 also be advisable for goods costing less than \$10,000 in view of  
the rule in subsection 9-1320(2), which permits a good faith  
30 purchaser from the consumer to defeat an unfiled security  
interest under most circumstances.'

32  
34 Further amend the bill in Part A in section 2 on page 148 in  
that part designated "~~§9-1311.~~" in subsection (1) by striking out  
all of paragraph (b) (page 148, lines 31 and 32 in L.D.) and  
36 inserting in its place the following:

38 '(b) Title 29-A, chapter 7; or'

40 Further amend the bill in Part A in section 2 on page 149 in  
that part designated "~~§9-1311.~~" in subsection (4) in the first  
42 line (page 149, line 10 in L.D.) by inserting after the  
following: "collateral" the following: 'subject to a statute  
44 specified in subsection (1), paragraph (b).'

46 Further amend the bill in Part A in section 2 on page 149 in  
that part designated "~~§9-1311.~~" in subsection (4) in the 3rd line  
48 (page 149, line 12 in L.D.) by striking out the following: "or  
leasing"

2 Further amend the bill in Part A in section 2 on page 149 in  
that part designated "~~§9-1311.~~" in subsection (4) in the last  
4 line (page 149, line 14 in L.D.) by striking out the following:  
"as debtor"

6  
8 Further amend the bill in Part A in section 2 on page 151 in  
the first line (page 151, line 1 in L.D.) by striking out the  
following: "a such" and inserting in its place the following:  
10 'such'

12 Further amend the bill in Part A in section 2 on page 153 by  
inserting before that part designated "~~§9-1312.~~" the following:

14 **'Maine Comment**

16  
18 Official Comment 4 to this section indicates that a filed  
financing statement would be sufficient to perfect a security  
interest in a titled good only if that good were inventory held  
20 for sale or lease. This is true only if the item remains covered  
by a titling act even when it is put to a particular use. For  
22 example, Maine's Certificate of Title Act provides that it does  
not apply to a motor vehicle held as a demonstrator or test  
24 vehicle by a dealer. See 29-A MRSA, section 652(2). This would  
be true even if that vehicle had previously been titled. In such  
26 an instance, the provisions of section 9-1311(1)(b) would not  
apply (since the vehicle would not then be subject to the  
28 referenced statute) and the normal perfection provisions for  
nontitled goods would apply to the vehicle during the period in  
30 which it is used as a demonstrator or testing vehicle.'

32 Further amend the bill in Part A in section 2 on page 155 in  
the 2nd line (page 155, line 2 in L.D.) by inserting before the  
34 following: "large" the following: 'a'

36 Further amend the bill in Part A in section 2 on page 159 in  
the 2nd indented paragraph in the 2nd line (page 159, line 29 in  
38 L.D.) by striking out the following: "subsections" and inserting  
in its place the following: 'subsection'

40  
42 Further amend the bill in Part A in section 2 on page 170 in  
subsection 4 in the 5th line (page 170, line 23 in L.D.) by  
striking out the following: "ten" and inserting in its place the  
44 following: '10'

46 Further amend the bill in Part A in section 2 on page 180 in  
that part designated "~~§9-1317.~~" in the 2nd line (page 180, line  
48 22 in L.D.) by striking out the following: "unperfected"

50 Further amend the bill in Part A in section 2 on page 180 in



2 that part designated "~~§9-1317.~~" in subsection 1 in the first line  
(page 180, line 24 in L.D.) by striking out the following: "An  
4 unperfected" and inserting in its place the following: 'A'

6 Further amend the bill in Part A in section 2 on page 180 in  
that part designated "~~§9-1317.~~" in subsection 1 by striking out  
8 all of paragraph (b) (page 180, lines 29 to 33 in L.D.) and  
inserting in its place the following:

10 '(b) Except as otherwise provided in subsection (5), a  
12 person that becomes a lien creditor before the earlier of  
the time:

14 (i) The security interest or agricultural lien is  
16 perfected; or

18 (ii) One of the conditions specified in section  
9-1203, subsection (2), paragraph (c) is met and a  
20 financing statement covering the collateral is filed.'

22 Further amend the bill in Part A in section 2 on page 181 in  
subsection 3 by striking out all of the last sentence (page 181,  
24 lines 39 to 40 in L.D.)

26 Further amend the bill in Part A in section 2 on page 191 in  
subsection 5 in the 2nd indented paragraph in the first line  
(page 191, line 21 in L.D.) by striking out the following:  
28 "purchase money" and inserting in its place the following:  
30 'purchase-money'

32 Further amend the bill in Part A in section 2 on page 193 by  
inserting after subsection 8 the following:

34 **'Maine Comment**

36 In a title theory state such as Maine, the mortgagee is  
38 deemed to be the legal owner of the real estate. In such cases,  
the ownership interest referenced in Official Comment No. 7  
40 relates to the mortgagor, not to the mortgagee.'

42 Further amend the bill in Part A in section 2 on page 193 in  
that part designated "**Official Comment**" in subsection 1 in the  
44 first line (page 193, line 45 in L.D.) by striking out the  
following: "2A307" and inserting in its place the following:  
46 '2A-307'

48 Further amend the bill in Part A in section 2 on page 196 in  
subsection 3 in the 9th line (page 196, line 40 in L.D.) by  
striking out the following: "regarded an" and inserting in its  
50 place the following: 'regarded as'

2 Further amend the bill in Part A in section 2 on page 199 in  
4 that part designated "**Example 5:**" in the next-to-the-last line  
(page 199, line 43 in L.D.) by striking out the following: "on  
6 before" and inserting in its place the following: 'before'

8 Further amend the bill in Part A in section 2 on page 205 in  
that part designated "~~§9-1323.~~" in subsection (2) in the 3rd line  
(page 205, line 45 in L.D.) by striking out the following: "while  
10 the security interest is perfected"

12 Further amend the bill in Part A in section 2 on page 205 in  
that part designated "~~§9-1323.~~" in subsection (2) in the 4th line  
14 (page 205, line 48 in L.D.) by striking out the following: "it  
secures advances" and inserting in its place the following: 'the  
16 security interest secures an advance'

18 Further amend the bill in Part A in section 2 on page 207 in  
subsection 3 in the 2nd line (page 207, line 13 in L.D.) by  
20 striking out the following: "first-to-file-or perfect" and  
inserting in its place the following: 'first-to-file-or-perfect'

22 Further amend the bill in Part A in section 2 on page 208 in  
24 the 5th line (page 208, line 5 in L.D.) by striking out the  
following: "B both" and inserting in its place the following:  
26 'both'

28 Further amend the bill in Part A in section 2 on page 208 by  
striking out all of subsection 4 (page 208, lines 42 to 50 and  
30 page 209, lines 1 to 8 in L.D.) and inserting in its place the  
following:

32  
34 '4. Competing Lien Creditors. Subsection (b) [Maine cite  
subsection (2)] replaces former Section 9-301(4) and addresses  
the rights of a "lien creditor," as defined in section 9-102  
36 [Maine cite section 9-1102]. Under Section 9-317(a)(2) [Maine  
cite section 9-1317, subsection (1), paragraph (b)], a security  
38 interest is senior to the rights of a person who becomes a lien  
creditor, unless the person becomes a lien creditor before the  
40 security interest is perfected and before a financing statement  
covering the collateral is filed. Subsection (b) [Maine cite  
42 subsection (2)] of this section provides that a security interest  
is subordinate to those rights to the extent that the specified  
44 circumstances occur. Subsection (b) [Maine cite subsection (2)]  
does not elevate the priority of a security interest that is  
46 subordinate to the rights of a lien creditor under section 9-317  
(a)(2) [Maine cite section 9-1317, subsection (1), paragraph  
48 (b)]; it only subordinates.'

50 Further amend the bill in Part A in section 2 on page 213 in

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2 the 2nd indented paragraph in the 3rd line from the end (page  
213, line 47 in L.D.) by striking out the following: "a the" and  
inserting in its place the following: 'the'

4  
6 Further amend the bill in Part A in section 2 on page 219 by  
inserting after subsection 13 the following:

8 **'Maine Comment**

10 Official Comment 11 to this section, as well as the last  
12 paragraph of Official Comment 4(a) to section 9-1102, state that  
the courts are to determine on a case-by-case basis whether  
14 particular aquatic goods constitute "crops" or "livestock." If  
the item is determined to be a "crop," then it may be the subject  
of a production-money security interest; if it is "livestock,"  
16 then it can not. See section 9-1324-A. Suppliers of feed and  
other items on credit for the growing of aquaculture goods (as  
18 well as lenders who finance purchases of these items) who take  
security interests in the goods will, therefore, be unable to  
20 determine with certainty the priority that they will have in the  
aquatic goods. This is an unacceptable level of uncertainty for,  
22 among others, Maine's growing aquaculture industry. Therefore,  
the above-referenced Official Comments should be disregarded to  
24 the extent that they leave the classification of aquatic goods as  
"crops" or "livestock" undetermined. Instead, it is intended  
26 that aquatic goods that most closely approximate plants will be  
classified as "crops," while those that are animal in nature will  
28 be classified as "livestock."

30 Further amend the bill in Part A in section 2 on page 220 in  
subsection 2 in the 4th line (page 220, line 38 in L.D.) by  
32 striking out the following: "was" and inserting in its place the  
following: 'has'

34  
36 Further amend the bill in Part A in section 2 on page 221 in  
that part designated "~~§9-1325.~~" in subsection 2 in paragraph (b)  
in the 2nd line (page 221, line 46 in L.D.) by striking out the  
38 following: "2-1508(5)" and inserting in its place the following:  
'2-1508'

40  
42 Further amend the bill in Part A in section 2 on page 223 in  
subsection 6 in the 9th line (page 223, line 35 in L.D.) by  
striking out the following: "9-1508" and inserting in its place  
44 the following: '2-1508'

46  
48 Further amend the bill in Part A in section 2 on page 231 in  
subsection 3 in the 20th line (page 231, line 32 in L.D.) by  
striking out the following: "9-309(a)(10)" and inserting in its  
place the following: '9-309(10)'

2 Further amend the bill in Part A in section 2 on page 231 in  
subsubsection 3 in the 21st line (page 231, line 33 in L.D.) by  
4 striking out the following: "subsubsection (1), paragraph (j)" and  
inserting in its place the following: 'subsubsection (10)'

6  
8 Further amend the bill in Part A in section 2 on page 235 in  
the 5th line (page 235, line 5 in L.D.) by inserting after the  
following: "interest" the following: 'in'

10  
12 Further amend the bill in Part A in section 2 on page 237 in  
the first indented paragraph in the 3rd line from the end (page  
237, line 27 in L.D.) by striking out the following: "subsubsection  
14 (a)" and inserting in its place the following: 'subsubsection (1)'

16 Further amend the bill in Part A in section 2 on page 240 in  
the 3rd indented paragraph in the 8th line (page 240, line 36 in  
18 L.D.) by striking out the following: "letter of credit" and  
inserting in its place the following: 'letter-of-credit'

20  
22 Further amend the bill in Part A in section 2 on page 240 in  
the 3rd indented paragraph in the last line (page 240, line 38 in  
L.D.) by striking out the following: "letter of credit" and  
24 inserting in its place the following: 'letter-of-credit'

26 Further amend the bill in Part A in section 2 on page 251 in  
that part designated "~~§9-1331.~~" in subsection 2 in the 3rd line  
28 (page 251, line 39 in L.D.) by striking out the following: "an  
adverse" and inserting in its place the following: 'a'

30  
32 Further amend the bill in Part A in section 2 on page 252 in  
subsubsection 2 in the 8th line (page 252, line 8 in L.D.) by  
striking out the following: "the"

34  
36 Further amend the bill in Part A in section 2 on page 256 in  
the 13th line (page 256, line 13 in L.D.) by striking out the  
following: "the mine run of" and inserting in its place the  
38 following: 'most'

40 Further amend the bill in Part A in section 2 on page 259 in  
that part designated "~~§9-1334.~~" in subsection (7) in the 2nd line  
42 (page 259, line 24 in L.D.) by striking out the following:  
"(6)(b)" and inserting in its place the following: '(6).  
44 paragraph (b)'

46 Further amend the bill in Part A in section 2 on page 261 in  
subsubsection 6 in the 10th line (page 261, line 25 in L.D.) by  
48 striking out the following: "search.." and inserting in its place  
the following: 'search.'

2 Further amend the bill in Part A in section 2 on page 261 in  
subsubsection 6 in the 11th line (page 261, line 26 in L.D.) by  
4 striking out the following: "paragraph (1)" and inserting in its  
place the following: 'paragraph (a)'

6  
8 Further amend the bill in Part A in section 2 on page 262 in  
subsubsection 8 in the 4th line (page 262, line 19 in L.D.) by  
striking out the following: "first-to-file-or-rule" and inserting  
10 in its place the following: 'first-to-file-or-perfect-rule'

12 Further amend the bill in Part A in section 2 on page 263 in  
the first indented paragraph in the 9th line (page 263, line 14  
14 in L.D.) by striking out the following: "owneroccupied" and  
inserting in its place the following: 'owner-occupied'

16  
18 Further amend the bill in Part A in section 2 on page 263 in  
the first indented paragraph in the 10th line (page 263, line 15  
in L.D.) by striking out the following: "purchasemoney" and  
20 inserting in its place the following: 'purchase-money'

22 Further amend the bill in Part A in section 2 on page 263 in  
the first indented paragraph in the last line (page 263, line 18  
24 in L.D.) by striking out the following: "subsection (a)" and  
inserting in its place the following: 'subsection (1)'

26  
28 Further amend the bill in Part A in section 2 on page 264 in  
subsubsection 12 in the 6th line (page 264, line 47 in L.D.) by  
striking out the following: "subsection (a)" and inserting in its  
30 place the following: 'subsection (9)'

32 Further amend the bill in Part A in section 2 on page 268 in  
that part designated "~~§9-1336.~~" in subsection (6) in paragraph  
34 (b) in the 3rd line (page 268, line 35 in L.D.) by inserting  
after the following: "proportion to" the following: 'the'

36  
38 Further amend the bill in Part A in section 2 on page 273 in  
subsubsection 2 in the 6th line (page 273, line 7 in L.D.) by  
striking out the following: "A error" and inserting in its place  
40 the following: 'An error'

42 Further amend the bill in Part A in section 2 on page 282 in  
subsubsection 4 in the 13th line (page 282, line 27 in L.D.) by  
44 striking out the following: "hell or high water" and inserting in  
its place the following: 'hell-or-high-water'

46  
48 Further amend the bill in Part A in section 2 on page 283 by  
inserting after the 2nd indented paragraph the following:

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**'Maine Comment**

As provided in section 9-1201(3), the provisions of Title 9-A take priority over the provisions of this Article. This limitation is also suggested in a more limited form in section 9-1403(5). Title 9-A provides that in certain instances, the assignee of a seller or lessor in a consumer sale or consumer lease is subject to defenses that might be raised against the original seller or lessor notwithstanding an agreement to the contrary. See 9-A MRSA, section 3-403. See also 9-A MRSA, Sections 5-201(1) (providing for penalties or a damage award where the agreement limits rights of the consumer against assignee to less than what is provided in section 3-403), 8-209 (making assignees liable for certain Truth-in Lending violations). These provisions, as well as other provisions of Maine law, modify, limit, or void certain parts of section 9-1403 of new Article 9-A.'

Further amend the bill in Part A in section 2 on page 287 in that part designated "~~§9-1406.~~" in subsection 2 in paragraph (c) in subparagraph (i) in the 2nd line (page 287, line 46 in L.D.) by striking out the following: "general" and inserting in its place the following: 'payment'

Further amend the bill in Part A in section 2 on page 288 in that part designated "~~§9-1406.~~" in subsection 4 in paragraph (b) in the first line (page 288, line 23 in L.D.) by inserting before the following: "creation" the following: 'assignment or transfer or the'

Further amend the bill in Part A in section 2 on page 288 in that part designated "~~§9-1406.~~" in subsection 6 in paragraph (b) in the first line (page 288, line 47 in L.D.) by inserting before the following: "creation" the following: 'assignment or transfer or the'

Further amend the bill in Part A in section 2 on page 294 in that part designated "~~§9-1407.~~" in subsection 1 in paragraph (a) in the 2nd line (page 294, line 9 in L.D.) by inserting before the following: "creation" the following: 'assignment or transfer of, or the'

Further amend the bill in Part A in section 2 on page 294 in that part designated "~~§9-1407.~~" in subsection 1 in paragraph (b) in the first line (page 294, line 14 in L.D.) by inserting before the following: "creation" the following: 'assignment or transfer or the'

Further amend the bill in Part A in section 2 on page 294 in

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2 the Official Comment in subsection 2 in the 6th line (page 294,  
line 49 in L.D.) by striking out the following: "9-1406 (d)" and  
4 inserting in its place the following: '9-1406, subsection (4)'

6 Further amend the bill in Part A in section 2 on page 295 in  
the 4th line (page 295, line 4 in L.D.) by inserting before the  
8 following: "creation" the following: 'assignment or transfer of,  
or the'

10 Further amend the bill in Part A in section 2 on page 295 in  
that part designated "~~§9-1408.~~" in subsection 1 in paragraph (b)  
12 in the first line (page 295, line 47 in L.D.) by inserting before  
the following: "creation" the following: 'assignment or transfer  
14 or the'

16 Further amend the bill in Part A in section 2 on page 296 in  
that part designated "~~§9-1408.~~" in subsection 3 in paragraph (b)  
18 in the first line (page 296, line 22 in L.D.) by inserting before  
the following: "creation" the following: 'assignment or transfer  
20 or the'

22 Further amend the bill in Part A in section 2 on page 303 in  
that part designated "~~§9-1409.~~" in subsection 1 in paragraph (b)  
24 in the first line (page 303, line 2 in L.D.) by inserting before  
the following: "creation" the following: 'assignment or the'

26 Further amend the bill in Part A in section 2 on page 304 in  
that part designated "~~§9-1501.~~" in subsection 1 by striking out  
28 all of the first 2 lines in paragraph (a) (page 304, lines 38 and  
30 39 in L.D.) and inserting in their place the following:

32 '(a) The registry of deeds for the county in which the  
related real property is located, if:'

34  
36 Further amend the bill in Part A in section 2 on page 304 in  
that part designated "~~§9-1501.~~" in subsection 1 in paragraph (a)  
in subparagraph (ii) in the first line (page 304, line 44 in  
38 L.D.) by striking out the following: "filed" and inserting in its  
place the following: 'recorded'

40  
42 Further amend the bill in Part A in section 2 on page 306 by  
inserting after subsection 5 the following:

44 **'Maine Comment**

46 For purposes of clarity, references in Part 5 of the uniform  
law to "the filing office described in section 9-1501, subsection  
48 (1), paragraph (a)," have been changed to refer to the "registry  
of deeds" for fixture filings and other county-level filings.  
50 Similarly, uniform code references to "filing" or "file for

2 record" have been changed to "record" or "recorded" where the  
context involves a county filing. Any reference in this Part to  
4 "filing" in a county registry of deeds means and refers to the  
ordinary process of recording under Title 33, unless the context  
clearly otherwise requires.

6  
8 Throughout this Part, uniform code language requiring a  
searcher or other person designating a particular registry of  
10 deeds filing to provide the file number and the date and time of  
recording of that filing has been changed to a requirement to  
12 provide book and page information, as book and page allow any  
filing to be located in a county registry of deeds, without more  
information.

14  
16 In addition, references in Part 5 of the uniform law to "the  
office described in section 9-1501, subsection (1), paragraph  
18 (b)," have been changed to "the office of the Secretary of  
State."

20 Further amend the bill in Part A in section 2 on page 307 in  
that part designated "§9-1502." in subsection 2 in paragraph (b)  
22 in the first line (page 307, line 3 in L.D.) by striking out the  
following: "filed" and inserting in its place the following:  
24 'recorded'

26 Further amend the bill in Part A in section 2 on page 307 in  
that part designated "§9-1502." in subsection 3 in paragraph (c)  
28 in the last line (page 307, line 27 in L.D.) by striking out the  
following: "filed" and inserting in its place the following:  
30 'recorded'

32 Further amend the bill in Part A in section 2 on page 313 in  
the 3rd indented paragraph in the 3rd line (page 313, line 36 in  
34 L.D.) by striking out the following: "if does" and inserting in  
its place the following: 'if it does'

36  
38 Further amend the bill in Part A in section 2 on page 314 in  
that part designated "§9-1504." in the first indented paragraph  
in the 2nd line (page 314, line 30 in L.D.) by striking out the  
40 following: "only"

42 Further amend the bill in Part A in section 2 on page 314 in  
that part designated "§9-1504." in subsection 1 in the last line  
44 (page 314, line 33 in L.D.) by striking out the following: "or"

46 Further amend the bill in Part A in section 2 on page 314 in  
that part designated "§9-1504." in subsection 2 in the last line  
48 (page 314, line 36 in L.D.) by striking out the following:  
"property." and inserting in its place the following: 'property;  
50 or'



2 Further amend the bill in Part A in section 2 on page 314 in  
4 that part designated "~~§9-1504.~~" by inserting after subsection 2  
the following:

6 '(3) An indication by the type of collateral defined in  
8 this Title, irrespective of whether such an indication would make  
10 possible the identification of the collateral in the manner  
necessary for a sufficient description pursuant to section  
9-1108.'

12 Further amend the bill in Part A in section 2 on page 314 in  
14 the last indented paragraph in the first line (page 314, line 48  
in L.D.) by striking out the following: "paragraph (a)" and  
inserting in its place the following: 'subsection (1)'

16 Further amend the bill in Part A in section 2 on page 315 in  
18 the first indented paragraph in the 3rd line (page 315, line 6 in  
L.D.) by striking out the following: "paragraph (b)" and  
20 inserting in its place the following: 'subsection (2)'

22 Further amend the bill in Part A in section 2 on page 315 by  
inserting after the first indented paragraph the following:

24 **'Maine Comment**

26 As was the case under former section 9-402(1), a financing  
28 statement that indicates the type of collateral covered is  
sufficient even though such an indication, by itself, may not  
30 satisfy the sufficiency requirements for a security agreement  
under section 9-1108.'

32 Further amend the bill in Part A in section 2 on page 318 in  
34 the 2nd indented paragraph in subsection 3 in the 4th line (page  
318, line 30 in L.D.) by inserting after the following:  
36 "sufficiency of" the following: 'the'

38 Further amend the bill in Part A in section 2 on page 318 in  
40 that part designated "~~§9-1507.~~" by striking out all of subsection  
3 (page 318, lines 48 and 49 and page 319, lines 1 to 10 in L.D.)  
and inserting in its place the following:

42 '(3) If a debtor changes its name, then a financing  
44 statement filed under the debtor's former name prior to the  
46 effective date of the name change remains effective to  
48 perfect a security interest to the same extent as if that  
financing statement was amended to provide the debtor's new  
name even if the previously filed financing statement would  
50 otherwise become seriously misleading under Section 9-1506.  
In such circumstances, the previously filed financing

2 statement may be continued under the debtor's prior name,  
3 but such continuation is not effective to perfect a security  
4 interest in property acquired more than 4 months after such  
5 continuation is filed, unless an amendment that renders the  
6 financing statement not seriously misleading is filed within  
7 the 4-month period.'

8 Further amend the bill in Part A in section 2 on page 320 by  
9 inserting after subsection 4 the following:

10 **'Maine Comment**

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Maine has adopted a nonuniform provision stating that a change of a debtor's name does not affect the efficacy of a financing statement filed before the effective date of the name change under the debtor's prior name. When a name change becomes effective will be determined by law outside of this Article. This change was made because as a policy matter it is simpler and more convenient to have secured creditors who are making new filings determine the former name of the debtor for purposes of performing a search of the records than it is to require a secured creditor to continuously monitor its debtor for any potential name changes. On the other hand, there appears to be little reason that a secured creditor should not be required to determine its debtor's actual name at the time its financing statement is continued and modify its financing statement accordingly, if necessary. This requirement also has the advantage of ensuring that the public records are kept at least somewhat up to date under debtors' current names. Given this nonuniform change, Official Comment 4 to this section does not apply under Maine's version of this Article.'

Further amend the bill in Part A in section 2 on page 321 in that part designated "~~§9-1508.~~" by striking out all of subsection 2 (page 321, lines 8 to 23 in L.D.) and inserting in its place the following:

'(2) If the new debtor is a registered organization and becomes subject to a security interest pursuant to section 9-1203, subsection (4) by reason of a merger, consolidation or a change in the form of entity of the original debtor that is reflected in the public records relating to the new debtor's organization maintained by the governmental unit referenced in section 9-1102, subsection (73), then a financing statement filed under the original debtor's former name before the effective date of the merger, consolidation or change in the form of entity remains effective to perfect a security interest in collateral acquired by the new debtor to the same extent as if that financing statement was amended to provide the new debtor's name even if the difference between the new debtor's name and that of

2 the original debtor causes a filed financing statement that is  
3 effective under subsection (1) to become seriously misleading  
4 only if the place to file a financing statement against the new  
5 debt or for such collateral is, pursuant to Part 3 of this  
6 Article, the same jurisdiction in which the financing statement  
7 against the original debtor is filed. In all other instances, if  
8 the difference between the name of the original debtor and that  
9 of the new debtor causes a filed financing statement that is  
10 effective under subsection (1) to be seriously misleading under  
11 section 9-1506:

12 (a) The financing statement is effective to perfect a  
13 security interest in collateral acquired by the new debtor  
14 before, and within 4 months after, the new debtor becomes  
15 bound under section 9-1203, subsection (4); and

16 (b) The financing statement is not effective to perfect a  
17 security interest in collateral acquired by the new debtor  
18 more than 4 months after the new debtor becomes bound under  
19 section 9-1203, subsection (4) unless an initial financing  
20 statement providing the name of the new debtor is filed  
21 before the expiration of that time.'

24 Further amend the bill in Part A in section 2 on page 323 by  
25 inserting after subsection 6 the following:

26 **'Maine Comment**

28  
29 As under section 9-1507, Maine has adopted a nonuniform  
30 provision stating that perfection of a security interest against  
31 an original debtor is effective against the new debtor so long as  
32 the place for filing against the original debtor is the same as  
33 for filing against the new debtor, even if the difference in the  
34 names of the new debtor and the original debtor is great enough  
35 as to make the financing statement filed against the original  
36 debtor misleading pursuant to section 9-1506. However, this  
37 provision is effective only if the relationship between the old  
38 debtor and the new debtor can be determined from an examination  
39 of the public records that relate to the organization of the new  
40 debtor. This change was made because as a policy matter it is  
41 simpler and more convenient to have secured creditors who are  
42 making new filings, and who can find the name of the old debtor  
43 through an examination of public records relating to the  
44 organization of the new debtor, search for financing statements  
45 under the name of both the original debtor and the new debtor,  
46 than it is to require a secured creditor to continuously monitor  
47 its original debtor in order to ensure that a new debtor has not  
48 emerged. Given this nonuniform change, Official Comment 4 to  
49 this section does not apply under Maine's version of this  
50 Article.'

2 Further amend the bill in Part A in section 2 on page 324 in  
that part designated "~~§9-1509.~~" in subsection (1) in paragraph  
4 (a) in the last line (page 324, line 7 in L.D.) by inserting  
after the following: "record" the following: 'or pursuant to  
6 subsection (2) or (3)'

8 Further amend the bill in Part A in section 2 on page 330 in  
that part designated "~~§9-1512.~~" in subsection (1) in paragraph  
10 (a) in the last line (page 330, line 25 in L.D.) by striking out  
the following: "and" and inserting in its place the following:  
12 'or'

14 Further amend the bill in Part A in section 2 on page 330 in  
that part designated "~~§9-1512.~~" in subsection (1) by striking out  
16 all of paragraph (b) (page 330, lines 27 to 31 in L.D.) and  
inserting in its place the following:

18 '(b) If the amendment relates to an initial financing  
20 statement recorded in the county registry of deeds, provides  
22 the book and page at which the initial financing statement  
was recorded.'

24 Further amend the bill in Part A in section 2 on page 332 by  
inserting before that part designated "~~§9-1513.~~" the following:

26 **'Maine Comment**

28  
30 The uniform code requirements for information necessary to  
amend a county-level filing have been modified in the Maine  
Code. Subsection (1)(b) requires only a book and page  
32 cross-reference to the initial filing in order to amend  
information in that filing. Subsection (1)(b) omits uniform code  
34 requirements to restate the description of the real property and  
other information provided in an initial filing under section  
36 9-1502(2), because Maine's recording system makes such  
information unnecessary in order to locate the original filing.  
38 Similar changes have been made to uniform code requirements in  
section 9-1518(2)(a)(ii); and with respect only to the book and  
40 page cross-reference, in sections 9-1519(6)(a)(i) and  
9-1522(1)(a).'

42  
44 Further amend the bill in Part A in section 2 on page 332 in  
that part designated "~~§9-1513.~~" in subsection (2) in paragraph  
46 (a) in the first line (page 332, line 39 in L.D.) by striking out  
the following: "one month" and inserting in its place the  
48 following: '60 days'

50 Further amend the bill in Part A in section 2 on page 333 in  
that part designated "~~§9-1513.~~" in subsection (4) in the last

line (page 333, line 25 in L.D.) by inserting after the  
2 following: "effective." the following: 'Except as otherwise  
4 provided in section 9-1510, for purposes of section 9-1519,  
6 subsection (7), section 9-1522, subsection (1) and section  
8 9-1523, subsection (3), the filing with the filing office of a  
termination statement relating to a financing statement that  
indicates that the debtor is a transmitting utility also causes  
the effectiveness of the financing statement to lapse.'

10 Further amend the bill in Part A in section 2 on page 335 by  
inserting after subsection 5 the following:

12  
14 **'Maine Comment**

16 The time period for release of a filing was changed to  
correspond with a recently enacted amendment to 33 MRSA, section  
18 551, which governs the release of a mortgage when there has been  
no demand by the debtor for a release. This creates a uniform  
20 set of rules for when a lienholder must file a termination  
statement or discharge a mortgage if there is no demand by the  
debtor.'

22  
24 Further amend the bill in Part A in section 2 on page 336 in  
that part designated "~~§9-1514.~~" in subsection (3) in the 3rd line  
(page 336, line 13 in L.D.) by striking out the following:  
26 "filed" and inserting in its place the following: 'recorded'

28 Further amend the bill in Part A in section 2 on page 338 in  
that part designated "~~§9-1515.~~" in subsection (7) in the 2nd line  
30 (page 338, line 18 in L.D.) by striking out the following:  
"filed" and inserting in its place the following: 'recorded'

32  
34 Further amend the bill in Part A in section 2 on page 338 in  
that part designated "~~§9-1515.~~" in subsection (7) in the 3rd line  
(page 338, line 19 in L.D.) by striking out the following:  
36 "filed" and inserting in its place the following: 'recorded'

38 Further amend the bill in Part A in section 2 on page 340 in  
that part designated "~~§9-1516.~~" in subsection (2) in paragraph  
40 (c) by striking out all of subparagraph (iv) (page 340, lines 45  
to 48 in L.D.) and inserting in its place the following:

42  
44 '(iv) In the case of a record recorded in the county  
registry of deeds, the record does not provide a  
46 sufficient description of the real property to which it  
relates;'

48 Further amend the bill in Part A in section 2 on page 345 in  
that part designated "~~§9-1518.~~" in subsection (2) in paragraph  
50 (a) by striking out all of subparagraph (ii) (page 345, lines 27  
to 31 in L.D.) and inserting in its place the following:

2           '(ii) If the correction statement relates to a record  
4           recorded in the county registry of deeds, the date and  
6           time that the initial financing statement was recorded  
          and the information specified in section 9-1502,  
          subsection (2);'

8           Further amend the bill in Part A in section 2 on page 345 in  
10          that part designated "~~§9-1518.~~" by adding at the end a new  
          subsection (3) to read:

12          '(3) The filing of a correction statement does not affect  
14          the effectiveness of an initial financing statement or other  
          filed record.'

16          Further amend the bill in Part A in section 2 on page 346 in  
18          the first indented paragraph in the 3rd and 4th lines (page 346,  
          lines 16 and 17 in L.D.) by striking out the following:  
20          "statement. See Section 9-625(e) [Maine cite section 9-1625,  
          subsection (5)]. Nor" and inserting in its place the following:  
22          'statement (See Section 9-625(e) [Maine cite section 9-1625,  
          subsection (5)] nor'

24          Further amend the bill in Part A in section 2 on page 347 in  
26          that part designated "~~§9-1519.~~" in subsection (4) in the first  
          line (page 347, line 26 in L.D.) by striking out the following:  
28          "filed" and inserting in its place the following: 'recorded'

30          Further amend the bill in Part A in section 2 on page 347 in  
32          that part designated "~~§9-1519.~~" in subsection (4) in the last  
          line (page 347, line 28 in L.D.) by striking out the following:  
          "filed" and inserting in its place the following: 'recorded'

34          Further amend the bill in Part A in section 2 on page 347 in  
36          that part designated "~~§9-1519.~~" in subsection (5) in the first  
          line (page 347, line 42 in L.D.) by striking out the following:  
38          "filed" and inserting in its place the following: 'recorded'

40          Further amend the bill in Part A in section 2 on page 347 in  
42          that part designated "~~§9-1519.~~" in subsection (5) in the 3rd line  
          (page 347, line 44 in L.D.) by striking out the following:  
          "filed" and inserting in its place the following: 'recorded'

44          Further amend the bill in Part A in section 2 on page 347 in  
46          that part designated "~~§9-1519.~~" in subsection (5) in the 4th line  
          (page 347, line 45 in L.D.) by striking out the following:  
48          "filed" and inserting in its place the following: 'recorded'

50          Further amend the bill in Part A in section 2 on page 348 in  
          that part designated "~~§9-1519.~~" in subsection (6) in paragraph

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2 (a) in subparagraph (i) in the first and 2nd lines (page 348,  
lines 9 and 10 in L.D.) by striking out the following: "described  
4 in section 9-1501, subsection (1), paragraph (a)" and inserting  
in its place the following: 'the county registry of deeds'

6 Further amend the bill in Part A in section 2 on page 348 in  
that part designated "§9-1519." in subsection (6) in paragraph  
8 (a) in subparagraph (i) in the last line (page 348, line 13 in  
L.D.) by striking out the following: "filed" and inserting in its  
10 place the following: 'recorded'

12 Further amend the bill in Part A in section 2 on page 348 in  
that part designated "§9-1519." in subsection (6) in paragraph  
14 (a) in subparagraph (ii) in the first and 2nd lines (page 348,  
lines 15 and 16 in L.D.) by striking out the following:  
16 "described in section 9-1501, subsection (1), paragraph (b)" and  
inserting in its place the following: 'the office of the  
18 Secretary of State'

20 Further amend the bill in Part A in section 2 on page 348 in  
that part designated "§9-1519." in subsection (9) in the first  
22 and 2nd lines (page 348, lines 34 and 35 in L.D.) by striking out  
the following: "filing office described in section 9-1501,  
24 subsection (1), paragraph (a)" and inserting in its place the  
following: 'county registry of deeds'

26 Further amend the bill in Part A in section 2 on page 348 in  
subsection 2 in the 3rd line (page 348, line 44 in L.D.) by  
28 inserting after the following: "(h)" the following: '[Maine cite  
30 subsection (8)]'

32 Further amend the bill in Part A in section 2 on page 349 in  
subsection 4 in the last line (page 349, line 16 in L.D.) by  
34 striking out the following: "filing-office" and inserting in  
its place the following: 'filing-office'

36 Further amend the bill in Part A in section 2 on page 349 by  
38 inserting before that part designated "§9-1520." the following:

40 **'Maine Comment**

42 The registry of deeds assigns a unique book and page number  
which satisfies the requirements of a unique number under section  
44 9-1519(1)(a).

46 Also see Maine Comment in section 9-1501 regarding reference  
to registry of deeds filings and use of the book and page  
48 information to reference a filing at that location.'

50 Further amend the bill in Part A in section 2 on page 350 in

2 that part designated "~~§9-1520.~~" in subsection (2) in the 6th to  
8th lines (page 350, lines 11 to 13 in L.D.) by striking out the  
4 following: "a filing office described in section 9-1501,  
subsection (1), paragraph (b)" and inserting in its place the  
6 following: 'the office of the Secretary of State'

8 Further amend the bill in Part A in section 2 on page 350 in  
the last indented paragraph in the 7th line (page 350, line 49 in  
10 L.D.) by inserting after the following: "some" the following: 'of'

12 Further amend the bill in Part A in section 2 on page 351 in  
the first indented paragraph in the 7th line (page 351, line 33  
14 in L.D.) by striking out the following: "holders of a" and  
inserting in its place the following: 'holders of'

16 Further amend the bill in Part A in section 2 on page 360 in  
subsection 2 in the 3rd line (page 360, line 28 in L.D.) by  
18 striking out the following: "provide" and inserting in its place  
the following: 'provides'

20 Further amend the bill in Part A in section 2 on page 361 in  
22 that part designated "~~§9-1522.~~" in subsection (1) in paragraph  
(a) in the 2nd and 3rd lines (page 361, lines 23 to 24 in L.D.)  
24 by striking out the following: "filed in the filing office  
described in section 9-1501, subsection (1), paragraph (a)" and  
26 inserting in its place the following: 'recorded in the county  
registry of deeds'

28 Further amend the bill in Part A in section 2 on page 361 in  
30 that part designated "~~§9-1522.~~" in subsection (1) in paragraph  
(a) in the last line (page 361, line 27 in L.D.) by striking out  
32 the following: "filed" and inserting in its place the following:  
'recorded'

34 Further amend the bill in Part A in section 2 on page 361 in  
36 that part designated "~~§9-1522.~~" in subsection (1) in paragraph  
(b) in the 2nd and 3rd lines (page 361, lines 29 and 30 in L.D.)  
38 by striking out the following: "filing office described in  
section 9-1501, subsection (1), paragraph (b)" and inserting in  
40 its place the following: 'office of the Secretary of State'

42 Further amend the bill in Part A in section 2 on page 363 in  
that part designated "~~§9-1523.~~" in subsection (5) in the 3rd and  
44 4th lines (page 363, lines 27 and 28 in L.D.) by striking out the  
following: "a filing office described in section 9-1501,  
46 subsection (1), paragraph (b)" and inserting in its place the  
following: 'the office of the Secretary of State'

48 Further amend the bill in Part A in section 2 on page 363 in  
50 that part designated "~~§9-1523.~~" in subsection (6) in the 2nd and



3rd lines (page 363, lines 32 and 33 in L.D.) by striking out the  
2 following: "filing office described in section 9-1501, subsection  
4 (1), paragraph (b)" and inserting in its place the following:  
'office of the Secretary of State'

6 Further amend the bill in Part A in section 2 on page 363 in  
that part designated "§9-1523." by inserting after subsection (6)  
8 the following:

10 '(7) The requirements of this section do not apply to  
12 information obtained from the registry to deeds.'

14 Further amend the bill in Part A in section 2 on page 366 by  
inserting after subsection 9 the following:

16 **'Maine Comment**

18 New subsection 7 is added to indicate that the requirements  
of this section do not apply to information obtained from the  
20 Registry of Deeds, since other statutes govern how these offices  
provide information upon request.'

22 Further amend the bill in Part A in section 2 on page 366 in  
24 that part designated "§9-1525." in subsection (1) in the first  
line (page 366, line 31 in L.D.) by striking out the following:  
26 "subsection (5)" and inserting in its place the following:  
'subsections (2), (5) and (6)'

28 Further amend the bill in Part A in section 2 on page 366 in  
30 that part designated "§9-1525." in subsection (1) in the last 2  
lines (page 366, lines 33 and 34 in L.D.) by striking out the  
32 following: "section 9-1502, subsection (3)" and inserting in its  
place the following: 'subsection (2)'

34 Further amend the bill in Part A in section 2 on page 366 in  
36 that part designated "§9-1525." in subsection (2) in the first  
line (page 366, line 45 in L.D.) by striking out the following:  
38 "subsection (5)" and inserting in its place the following:  
'subsections (5) and (6)'

40 Further amend the bill in Part A in section 2 on page 366 in  
42 that part designated "§9-1525." in subsection (2) in the 3rd line  
(page 366, line 47 in L.D.) by striking out the following:  
44 "9-1502, subsection (3)" and inserting in its place the  
following: '9-1515, subsection (2)'

46 Further amend the bill in Part A in section 2 on page 367 in  
48 that part designated "§9-1525." in subsection (5) in the 3rd line  
(page 367, line 24 in L.D.) by striking out the following:  
50 "filed" and inserting in its place the following: 'recorded'

2 Further amend the bill in Part A in section 2 on page 367 in  
that part designated "§9-1525." by inserting after subsection (5)  
4 the following:

6 '(6) This section does not apply to the fees with respect  
to recording documents in the registry of deeds. Fees for  
8 recording in the registry of deeds are set forth in Title 33,  
section 751.'

10  
12 Further amend the bill in Part A in section 2 on page 368 by  
inserting after the first indented paragraph the following:

14 **'Maine Comment**

16 Section 9-1525(2) deviates from the uniform code language in  
order to correct an apparent error in the uniform law. The  
18 uniform law refers, in section 9-1525(2), to the fee for filing  
an initial financing statement under section 9-1502(3), which is  
20 the provision dealing with mortgages that also serve as fixture  
filings in a registry of deeds recording. The types of filings  
22 dealt with under the terms of section 9-1525(2), however, are  
manufactured-housing and public-finance filings normally made in  
24 the Office of the Secretary of State. Accordingly, in the Maine  
Code, section 9-1525(2) establishes the fees for filings of the  
26 type described in section 9-1515(2), the code provision creating  
the 30-year duration for filings in connection with  
28 manufactured-housing and public-finance transactions. As in the  
uniform act, section 9-1525(5) declares that filings under  
30 section 9-1502(3) are not subject to any fees under Part 5; they  
are only subject to ordinary registry of deeds recording fees.  
32 Note that the gravamen of section 9-1525(5) makes clear that the  
cross reference to section 9-1502(3) in section 9-1525(2) is an  
34 error. Finally, the Maine Code also adds a nonuniform section  
9-1525(6), which makes clear that the fees for filing and  
36 indexing a financing statement in a registry of deeds are  
governed by applicable provisions of Title 33 and not Part 5 of  
38 Article 9-A.'

40 Further amend the bill in Part A in section 2 on page 369 by  
inserting after the last indented paragraph the following:

42 **'Maine Comment**

44  
46 Section 9-527, omitted. Maine's Revised Article 9-A  
provides authority to enact the Model Rules as "routine  
48 technical" rules. The statute itself provides authority for the  
filing and search fees, establishes the basic filing requirements  
including limited reasons for rejection of filings, and provides  
50 for uniform forms to be accepted by all filing offices. Section

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9-1526 requires the Secretary of State to adopt and publish rules that are consistent with the statute, and that are adopted after consultation with the Model Rules and with rules, practices and technology of other jurisdictions. This makes an annual reporting requirement unnecessary.'

Further amend the bill in Part A in section 2 on page 370 in that part designated "~~§9-1601.~~" in subsection (6) in the 5th line (page 370, line 49 in L.D.) by striking out the following: "article" and inserting in its place the following: 'Article'

Further amend the bill in Part A in section 2 on page 375 in the first line (page 375, line 1 in L.D.) by striking out the following: "9-207(c)(4)(C)" and inserting in its place the following: '9-207(b)(4)(C)'

Further amend the bill in Part A in section 2 on page 375 in the 2nd line (page 375, line 2 in L.D.) by striking out the following: "(3)" and inserting in its place the following: '(2)'

Further amend the bill in Part A in section 2 on page 375 in the first indented paragraph in the 2nd line (page 375, line 28 in L.D.) by striking out the following: "varied" and inserting in its place the following: 'varied.'

Further amend the bill in Part A in section 2 on page 382 in subsection 5 in the 2nd line (page 382, line 27 in L.D.) by striking out the following: "Comment 7," and inserting in its place the following: 'Comment 7;'

Further amend the bill in Part A in section 2 on page 385 in that part designated "~~§9-1608.~~" in subsection (1) in paragraph (a) in the 2nd and 3rd lines (page 385, lines 10 and 11 in L.D.) by striking out the following: "this section" and inserting in its place the following: 'section 9-1607'

Further amend the bill in Part A in section 2 on page 385 in that part designated "~~§9-1608.~~" in subsection (1) in paragraph (c) in the 3rd line (page 385, line 40 in L.D.) by striking out the following: "this section" and inserting in its place the following: 'section 9-1607'

Further amend the bill in Part A in section 2 on page 401 in section 3 in the 8th line (page 401, line 28 in L.D.) by striking out the following: "Those" and inserting in its place the following: 'These'

Further amend the bill in Part A in section 2 on page 402 in that part designated "~~§9-1613.~~" in subsection (1) in paragraph (e) in the first line (page 402, line 5 in L.D.) by striking out

the following: "sale" and inserting in its place the following:  
2 'disposition'

4 Further amend the bill in Part A in section 2 on page 403 by  
striking out all of subsection 2 (page 403, lines 16 to 39 in  
6 L.D.) and inserting in its place the following:

8 '2. Contents of Notification. To comply with the  
"reasonable authenticated notification" requirement of Section  
10 9-611(b) [Maine cite section 9-1611, subsection (2)], the  
contents of a notification must be reasonable. Except in a  
12 consumer-goods transaction, the contents of a notification that  
includes the information set forth in paragraph (1) [Maine cite  
14 subsection (1)] are sufficient as a matter of law, unless the  
parties agree otherwise. (The reference to "time" of disposition  
16 means here, as it did in former Section 9-504(3), not only the  
hour of the day but also the date.) Although a secured party may  
18 choose to include additional information concerning the  
transaction or the debtor's rights and obligations, no additional  
20 information is required unless the parties agree otherwise. A  
notification that lacks some of the information set forth in  
22 paragraph (1) [Maine cite subsection (1)] nevertheless may be  
sufficient if found to be reasonable by the trier of fact, under  
24 paragraph (2) [Maine cite subsection (2)]. A properly completed  
sample form of notification in paragraph (5) [Maine cite  
26 subsection (5)] or in Section 9-614(a)(3) [Maine cite section  
9-1614, subsection (1), paragraph (c)] is an example of a  
28 notification that would contain the information set forth in  
paragraph (1) [Maine cite subsection (1)]. Under paragraph (4)  
30 [Maine cite subsection (4)], however, no particular phrasing of  
the notification is required.'

32 Further amend the bill in Part A in section 2 on page 404 in  
34 that part designated "~~§9-1614.~~" in subsection (3) in the 3rd line  
(page 404, line 19 in L.D.) by striking out the following:  
36 "address of secured party" and inserting in its place the  
following: 'or addresses of intended recipient'

38 Further amend the bill in Part A in section 2 on page 405 in  
40 the 2nd blocked paragraph in the 4th to 6th lines (page 405,  
lines 10 to 12 in L.D.) by striking out the following: "[We will  
42 charge you \$ for the explanation if we sent you another  
written explanation of the amount you owe us within the last 6  
44 months.]"

46 Further amend the bill in Part A in section 2 on page 406 in  
that part designated "~~§9-1615.~~" in subsection (1) in the 2nd line  
48 (page 406, line 30 in L.D.) by inserting after the following:  
"disposition" the following: 'under section 9-1610'

2 Further amend the bill in Part A in section 2 on page 407 in  
that part designated "~~§9-1615.~~" in subsection (3) in the 2nd line  
4 (page 407, line 19 in L.D.) by striking out the following: "this  
section" and inserting in its place the following: 'section  
6 9-1610'

8 Further amend the bill in Part A in section 2 on page 409 in  
the last blocked paragraph in the 4th line (page 409, line 34 in  
10 L.D.) by inserting after the following: "would" the following:  
'be'

12 Further amend the bill in Part A in section 2 on page 413 in  
14 that part designated "~~§9-1616.~~" in subsection (5) by striking out  
all of the last sentence (page 413, lines 41 and 42 in L.D.)

16 Further amend the bill in Part A in section 2 on page 415 by  
18 inserting before that part designated "~~§9-1617.~~" the following:

20 **'Maine Comment**

22 The last sentence of section 9-1616, subsection (5) is  
deleted to conform with the Maine Consumer Credit Code.'

24 Further amend the bill in Part A in section 2 on page 433 in  
26 that part designated "~~§9-1625.~~" in subsection (2) in the 4th line  
(page 433, line 14 in L.D.) by striking out the following: "with  
28 a request under section 9-1210"

30 Further amend the bill in Part A in section 2 on page 434 in  
that part designated "~~§9-1625.~~" in subsection (7) in the 4th line  
32 (page 434, line 24 in L.D.) by inserting before the following:  
"statement" the following: 'list or'

34 Further amend the bill in Part A in section 2 on page 436 in  
36 subsection 4 in the 12th to 16th lines (page 436, lines 29 to 33  
in L.D.) by striking out the following: "obligation. See Section  
38 9-628(e) [Maine cite section 9-1628, subsection (5)]. Nor is a  
secured party liable under this subsection for failure to comply  
40 with Section 9-616 [Maine cite section 9-1616]. See Section  
9-628(d) [Maine cite section 9-1628, subsection (4)]." and  
42 inserting in its place the following: 'obligation (See Section  
9-628(e) [Maine cite section 9-1628, subsection (5)]) nor is a  
44 secured party liable under this subsection for failure to comply  
with Section 9-616 [Maine cite section 9-1616] (See Section  
46 9-628(d) [Maine cite section 9-1628, subsection (4)]).'

48 Further amend the bill in Part A in section 2 on page 438 in  
that part designated "~~§9-1626.~~" by striking out all of subsection  
50 (2) (page 438, lines 12 to 17 in L.D.) and inserting in its place  
the following:



2 the 3rd line (page 444, line 3 in L.D.) by striking out the  
following: "paragraph (1) or (2)" and inserting in its place the  
4 following: 'paragraph (a) or (b)'

6 Further amend the bill in Part A in section 2 on page 445 in  
subsection (2) in the 2nd line (page 445, line 25 in L.D.) by  
8 striking out the following: "~~9-1708~~" and inserting in its place  
the following: '9-1709'

10 Further amend the bill in Part A in section 2 on page 450 in  
that part designated "~~§9-1705.~~" in subsection (5) in the 7th line  
12 (page 450, line 40 in L.D.) by inserting after the following:  
"other than" and the following: 'the'

14 Further amend the bill in Part A in section 2 on page 458 by  
16 inserting before that part designated "~~§9-1707.~~" the following:

18 '§9-1707. Amendment of preeffective-date financing statement

20 (1) In this section, "preeffective-date financing  
22 statement" means a financing statement filed before this Article  
takes effect.

24 (2) After this Article takes effect, a person may add or  
26 delete collateral covered by, continue or terminate the  
28 effectiveness of, or otherwise amend the information provided in,  
30 a preeffective-date financing statement only in accordance with  
32 the law of the jurisdiction governing perfection as provided in  
Part 3. However, the effectiveness of a preeffective-date  
financing statement also may be terminated in accordance with the  
law of the jurisdiction in which the financing statement is filed.

34 (3) Except as otherwise provided in subsection (4), if the  
36 law of this State governs perfection of a security interest, the  
information in a preeffective-date financing statement may be  
amended after this Article takes effect only if:

38 (a) The preeffective-date financing statement and an  
40 amendment are filed in the office specified in section  
9-1501;

42 (b) An amendment is filed in the office specified in  
44 section 9-1501 concurrently with or after the filing in that  
office of an initial financing statement that satisfies  
46 section 9-1706, subsection (3); or

48 (c) An initial financing statement that provides the  
50 information as amended and satisfies section 9-1706,  
subsection (3) is filed in the office specified in section  
9-1501.

2        (4) If the law of this State governs perfection of a  
4        security interest, the effectiveness of a preeffective-date  
      financing statement may be continued only under section 9-1705,  
      subsections (4) and (6) or section 9-1706.

6  
8        (5) Whether or not the law of this State governs perfection  
10       of a security interest, the effectiveness of a preeffective-date  
12       financing statement filed in this State may be terminated after  
14       this Article takes effect by filing a termination statement in  
16       the office in which the preeffective-date financing statement is  
      filed, unless an initial financing statement that satisfies  
      section 9-1706, subsection (3) has been filed in the office  
      specified by the law of the jurisdiction governing perfection as  
      provided in Part 3 as the office in which to file a financing  
      statement.'

18       Further amend the bill in Part B on page 470 in subsection 4  
20       in the 2nd line (page 470, line 6 in L.D.) by striking out the  
      following: "[Maine cite section 9-1114]"

22       Further amend the bill in Part B in section 8 on page 470 in  
24       subsection 4 in the 6th line (page 470, line 10 in L.D.) by  
      striking out the following: "(2)" and inserting in its place the  
26       following: '(4)'

28       Further amend the bill in Part B on page 482 in subsection 2  
30       in the first line (page 482, line 19 in L.D.) by inserting after  
      the following: "(1)" the following: '[Maine cite subsection (2),  
      paragraph (a)]'

32       Further amend the bill in Part B on page 482 in subsection 2  
34       in the 3rd line (page 482, line 21 in L.D.) by inserting after  
      the following: "(2)" the following: '[Maine cite subsection (2),  
36       paragraph (b)]'

38       Further amend the bill in Part B on page 482 in the last  
40       indented paragraph in the first line (page 482, line 33 in L.D.)  
      by inserting after the following: "(3)" the following: '[Maine  
      cite subsection (2), paragraph (3)]'

42       Further amend the bill in Part B on page 482 in the last  
44       indented paragraph in the 7th line (page 482, line 39 in L.D.) by  
      inserting after the following: "(3)" the following: '[Maine cite  
46       subsection (2), paragraph (3)]'

48       Further amend the bill in Part B on page 482 in the last  
50       indented paragraph in the 12th line (page 482, line 44 in L.D.)  
      by inserting after the following: "(3)" the following: '[Maine  
      cite subsection (2), paragraph (3)]'



2 Further amend the bill in Part B on page 483 in the last  
4 indented paragraph in the 8th line (page 483, line 42 in L.D.) by  
6 inserting after the following: "8-106" the following: '[Maine  
cite section 8-1106]'

8 Further amend the bill in Part B on page 485 in subsection 1  
10 by striking out all of the first paragraph (page 485, lines 19 to  
26 in L.D.) and inserting in its place the following:

12 '1. The concept of "control" plays a key role in various  
14 provisions dealing with the rights of purchasers, including  
16 secured parties. See Sections ~~8303~~ 8-303 [Maine cite section  
18 8-1303] (protected purchasers); ~~8503(e)~~ 8-503(e) [Maine cite  
20 section 8-1503, subsection 5] (purchasers from securities  
intermediaries); ~~8510~~ 8-510 [Maine cite section 8-1510]  
(purchasers of security entitlements from entitlement holders);  
9-~~115(4)~~ 9-314 [Maine cite section 9-1314] (perfection of  
security interests); 9-~~115(5)~~ 9-328 [Maine cite section 9-1328]  
(priorities among conflicting security interests).'

22 Further amend the bill in Part B on pages 485 and 486 in  
24 subsection 4 by striking out all of the first paragraph (page  
26 485, lines 33 to 50 and page 486, lines 1 and 2 in L.D.) and  
inserting in its place the following:

28 '4. Subsection (d) [Maine cite subsection (4)] specifies  
30 the means by which a purchaser can obtain control ~~over~~ of a  
32 security entitlement. ~~Two~~ Three mechanisms are possible,  
34 analogous to those provided in subsection (c) [Maine cite  
36 subsection (3)] for uncertificated securities. Under subsection  
38 (d)(1) [Maine cite subsection (4), paragraph (a)], a purchaser  
40 has control if it is the entitlement holder. This subsection  
42 would apply whether the purchaser holds through the same  
44 intermediary that the debtor used, or has the securities position  
46 transferred to its own intermediary. Subsection (d)(2) [Maine  
cite subsection (4), paragraph (b)] provides that a purchaser has  
control if the securities intermediary has agreed to act on  
entitlement orders originated by the purchaser if no further  
consent by the entitlement holder is required. Under subsection  
(d)(2) [Maine cite subsection (4), paragraph (b)], control may be  
achieved even though the ~~transferor~~ original entitlement holder  
remains listed as the entitlement holder. Finally, a purchaser  
may obtain control under subsection (d)(3) [Maine cite subsection  
(4), paragraph (c)] if another person has control and the person  
acknowledges that it has control on the purchaser's behalf.  
Control under subsection (d)(3) [Maine cite subsection (4),  
paragraph (c)] parallels the delivery of certificated securities  
and uncertificated securities under Section 8-301 [Maine cite  
section 8-1301]. Of course, the acknowledging person cannot be  
the debtor.'

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2 Further amend the bill in Part B on page 486 in the first  
indented paragraph in the last line (page 486, line 13 in L.D.)  
4 by inserting after the following: "(f)" the following: '[Maine  
cite subsection (6)]'

6  
8 Further amend the bill in Part B on page 486 in the 2nd  
indented paragraph in the last line (page 486, line 16 in L.D.)  
10 by inserting after the following: "(d)" the following: '[Maine  
cite subsection (4)]'

12 Further amend the bill in Part B on page 486 in Example 1 in  
the 7th line (page 486, line 24 in L.D.) by inserting after the  
14 following: "(1)" the following: '[Maine cite subsection (4),  
paragraph (a)]'

16  
18 Further amend the bill in Part B on page 486 in Example 1 in  
the last line (page 486, line 28 in L.D.) by inserting after the  
20 following: "8-506" the following: '[Maine cite section 8-1506]'

22 Further amend the bill in Part B on page 486 in Example 1 in  
the last line (page 486, line 28 in L.D.) by inserting after the  
24 following: "(1)" the following: '[Maine cite subsection (4),  
paragraph (a)]'

26 Further amend the bill in Part B on page 486 in Example 2 in  
the 8th line (page 486, line 37 in L.D.) by inserting after the  
28 following: "(1)" the following: '[Maine cite subsection (4),  
paragraph (a)]'

30  
32 Further amend the bill in Part B on page 486 in Example 3 in  
the last line (page 486, line 50 in L.D.) by inserting after the  
34 following: "(2)" the following: '[Maine cite subsection (4),  
paragraph (b)]'

36 Further amend the bill in Part B on page 487 in Example 4 in  
the last line (page 487, line 8 in L.D.) by inserting after the  
38 following: "(1)" the following: '[Maine cite subsection (4),  
paragraph (a)]'

40  
42 Further amend the bill in Part B on page 487 in Example 5 in  
the last line (page 487, line 20 in L.D.) by inserting after the  
44 following: "(1)" the following: '[Maine cite subsection (4),  
paragraph (a)]'

46 Further amend the bill in Part B on page 487 in Example 6 in  
the last line (page 487, line 30 in L.D.) by inserting after the  
48 following: "(2)" the following: '[Maine cite subsection (4),  
paragraph (b)]'

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2 Further amend the bill in Part B on page 487 in Example 7 in  
the last line (page 487, line 41 in L.D.) by inserting after the  
4 following: "(2)" the following: '[Maine cite subsection (4),  
paragraph (b)]'

6  
8 Further amend the bill in Part B on Page 487 in Example 8 in  
the first line (page 487, line 43 in L.D.) by inserting after the  
following: "Co." the following: ','

10  
12 Further amend the bill in Part B on page 488 in the 6th line  
(page 488, line 6 in L.D.) by inserting after the following:  
14 "(2)" the following: '[Maine cite subsection (4), paragraph (b)]'

16 Further amend the bill in Part B on page 488 in Example 9 in  
the 3rd line from the end (page 488, line 22 in L.D.) by  
inserting after the following: "(3)" the following: '[Maine cite  
18 subsection (4), paragraph (c)]'

20 Further amend the bill in Part B on page 488 in subsection 7  
in the 7th line (page 488, line 32 in L.D.) by inserting after  
22 the following: "(d)(2)" the following: '[Maine cite subsection  
(3), paragraph (b) or subsection (4), paragraph (b)]'

24  
26 Further amend the bill in Part B on page 488 in the last  
paragraph in the 10th line (page 488, line 47 in L.D.) by  
inserting after the following: "8-102" the following: '[Maine  
28 cite section 8-1102]'

30 Further amend the bill in Part B on page 488 in the last  
paragraph in the 11th line (page 488, line 48 in L.D.) by  
32 inserting after the following: "8-508" the following: '[Maine  
cite section 8-1508]'

34  
36 Further amend the bill in Part B on page 489 in the 3rd line  
(page 489, line 3 in L.D.) by inserting after the following:  
38 "(f)" the following: '[Maine cite subsection (6)]'

40 Further amend the bill in Part B on page 489 in the 5th line  
(page 489, line 5 in L.D.) by inserting after the following:  
42 "(d)" the following: '[Maine cite subsections (3) and (4)]'

44 Further amend the bill in Part B on page 489 in the 9th line  
(page 489, line 9 in L.D.) by inserting after the following:  
46 "(f)" the following: '[Maine cite subsection (6)]'

48 Further amend the bill in Part B on page 489 in Example 10  
in the 7th line (page 489, line 20 in L.D.) by inserting after  
the following: "(2)" the following: '[Maine cite subsection (4),  
50 paragraph (b)]'

2 Further amend the bill in Part B on page 489 in Example 11  
3 in the 3rd line (page 489, line 29 in L.D.) by striking out the  
4 following: "thought" and inserting in its place the following:  
5 'though'

6  
7 Further amend the bill in Part B on page 491 in subsection 3  
8 by striking out all of the first paragraph (page 491, lines 1 to  
9 12 in L.D.) and inserting in its place the following:

10  
11 '3. Subsection (b) [Maine cite subsection (2)] provides  
12 that the law of the securities intermediary's jurisdiction  
13 governs the issues concerning the indirect holding system that  
14 are dealt with in Article 8. Paragraphs (1) and (2) [Maine cite  
15 paragraphs (a) and (b)] cover the matters dealt with in the  
16 Article 8 rules defining the concept of security entitlement and  
17 specifying the duties of securities intermediaries. Paragraph  
18 (3) [Maine cite paragraph (c)] provides that the law of the  
19 security intermediary's jurisdiction determines whether the  
20 intermediary owes any duties to an adverse claimant. Paragraph  
21 (4) [Maine cite paragraph (d)] provides that the law of the  
22 security intermediary's jurisdiction determines whether adverse  
23 claims can be asserted against entitlement holders and others.'

24  
25 Further amend the bill in Part B on page 491 by striking out  
26 all of the 2nd paragraph (page 491, lines 14 to 36 in L.D.) and  
27 inserting in its place the following:

28  
29 'Subsection (e) [Maine cite subsection (5)] determines what  
30 is a "securities intermediary's jurisdiction." The policy of  
31 subsection (b) [Maine cite subsection (2)] is to ensure that a  
32 securities intermediary and all of its entitlement holders can  
33 look to a single, readily-identifiable body of law to determine  
34 their rights and duties. Accordingly, subsection (e) [Maine cite  
35 subsection (5)] sets out a sequential series of tests to  
36 facilitate identification of that body of law. Paragraph (1) of  
37 subsection (e) [Maine cite paragraph (a) of subsection (5)]  
38 permits specification of the governing---law securities  
39 intermediary's jurisdiction by agreement. In the absence of such  
40 a specification, the law chosen by the parties to govern the  
41 securities account determines the securities intermediary's  
42 jurisdiction. See paragraph (2) [Maine cite paragraph (b)].  
43 Because the policy of this section is to enable parties to  
44 determine, in advance and with certainty, what law will apply to  
45 transactions governed by this Article, the validation of the  
46 parties' selection of governing law by agreement is not  
47 conditioned upon a determination that the jurisdiction whose law  
48 is chosen bear a "reasonable relation" to the transaction. See  
49 Section 4A-507 [Maine cite section 4-1507]; compare Section  
50 1-105(1). That is also true with respect to the similar

2 provisions in subsection (d) [Maine cite subsection (4)] of this  
3 section and in Section 9103(6) 9-305 [Maine cite section  
4 9-1305]. The remaining paragraphs in subsection (e) [Maine cite  
5 subsection (5)] contain additional default rules for determining  
6 the securities intermediary's jurisdiction.'

8 Further amend the bill in Part B on page 492 in the 2nd line  
(page 492, line 2 in L.D.) by inserting after the following:  
9 "(a)" the following: '[Maine cite subsection (1)]'

10 Further amend the bill in Part B on page 492 in the 5th line  
11 (page 492, line 5 in L.D.) by inserting after the following:  
12 "(e)" the following: '[Maine cite subsections (2) and (5)]'

13 Further amend the bill in Part B on page 492 by striking out  
14 all of subsection 2 (page 492, lines 34 to 50 and page 493, lines  
15 1 to 3 in L.D.) and inserting in its place the following:

16  
17 '2. Subsection (a) [Maine cite subsection (1)] defines  
18 delivery with respect to certificated securities. Paragraph (1)  
19 [Maine cite paragraph (a)] deals with simple cases where  
20 purchasers themselves acquire physical possession of  
21 certificates. Paragraphs (2) and (3) of subsection (a) [Maine  
22 cite paragraphs (b) and (c) of subsection (1)] specify the  
23 circumstances in which delivery to a purchaser can occur although  
24 the certificate is in the possession of a person other than the  
25 purchaser. Paragraph (2) [Maine cite paragraph (b)] contains the  
26 general rule that a purchaser can take delivery through another  
27 person, so long as the other person is actually acting on behalf  
28 of the purchaser or acknowledges that it is holding on behalf of  
29 the purchaser. Paragraph (2) [Maine cite paragraph (b)] does not  
30 apply to acquisition of possession by a securities intermediary,  
31 because a person who holds securities through a securities  
32 account acquires a security entitlement, rather than having a  
33 direct interest. See Section 8-501 [Maine cite section 8-1501].  
34 Subsection (a)(3) [Maine cite subsection (1), paragraph (c)]  
35 specifies the limited circumstances in which delivery of security  
36 certificates to a securities intermediary is treated as a  
37 delivery to the customer. Note that delivery is a method of  
38 perfecting a security interest in a certificated security. See  
39 Section 9-313(a), (e) [Maine cite section 9-1313, subsection (1),  
40 (5)].'

41  
42 Further amend the bill in Part B on page 493 in the Official  
43 Comment in subsection 1 in the first line (page 493, line 16 in  
44 L.D.) by inserting after the following: "(a)" the following:  
45 '[Maine cite subsection (1)]'

46  
47 Further amend the bill in Part B on page 493 in the Official  
48 Comment in subsection 1 in the 7th line (page 493, line 22 in  
49

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L.D.) by inserting after the following: "(b)" the following:  
2 '[Maine cite subsection (2)]'

4 Further amend the bill in Part B on page 493 in the Official  
Comment in subsection 1 in the last line (page 493, line 24 in  
6 L.D.) by inserting after the following: "(c)" the following:  
8 '[Maine cite subsection (3)]'

10 Further amend the bill in Part B on page 493 in subsection 2  
in the next-to-last line (page 493, line 40 in L.D.) by striking  
12 out the following: "article 9-A" and inserting in its place the  
following: 'Article 9-A'

14 Further amend the bill in Part B on page 494 in the 3rd line  
(page 494, line 3 in L.D.) by inserting after the following:  
16 "8-404" the following: '[Maine cite sections 8-1207, 8-1401 and  
8-1404]'

18 Further amend the bill in Part B on page 494 in subsection 3  
20 in the 2nd line (page 494, line 8 in L.D.) by inserting after the  
following: "8-502" the following: '[Maine cite section 8-1502]'

22 Further amend the bill in Part B on page 494 in Example 4 in  
24 the 11th line (page 494, line 20 in L.D.) by inserting after the  
following: "8-502" the following: '[Maine cite section 8-1502]'

26 Further amend the bill in Part B on page 494 in Example 6 in  
28 the 7th line (page 494, line 31 in L.D.) by inserting after the  
following: "8-106(d)" the following: '[Maine cite section 8-1106,  
30 subsection (4)]'

32 Further amend the bill in Part B on page 494 in Example 6 in  
the 8th line (page 494, line 32 in L.D.) by inserting after the  
34 following: "8-106" the following: '[Maine cite section 8-1106]'

36 Further amend the bill in Part B on page 494 in Example 6 in  
the 15th line (page 494, line 39 in L.D.) by inserting after the  
38 following: "8-106(d)" the following: '[Maine cite section 8-1106,  
subsection (4)]'

40 Further amend the bill in Part B on page 494 in Example 6 in  
42 the 19th line (page 494, line 43 in L.D.) by striking out the  
following: "9-1207]. Debtor" and inserting in its place the  
44 following: '9-1207], debtor'

46 Further amend the bill in Part B on page 494 in Example 6 in  
the 3rd line from the end (page 494, line 47 in L.D.) by  
48 inserting after the following: "8-502" the following: '[Maine  
cite section 8-1502]'

2 Further amend the bill in Part B on page 495 in the Official  
Comment in subsection 4 in the first line (page 495, line 48 in  
4 L.D.) by inserting after the following: "(c)" the following:  
'[Maine cite subsection (3)]'

6  
8 Further amend the bill in Part B on page 496 in the 6th line  
(page 496, line 6 in L.D.) by inserting after the following:  
"(c)" the following: '[Maine cite subsection (3)]'

10  
12 Further amend the bill in Part B on page 496 in the 11th  
line (page 496, line 11 in L.D.) by striking out the following:  
"Article 9-A" and inserting in its place the following: 'Articles  
14 8-A and 9-A'

16 Further amend the bill in Part B on page 496 in the first  
indented paragraph (page 496, line 13 in L.D.) by inserting after  
18 the following: "(c)" the following: '[Maine cite subsection (3)]'

20 Further amend the bill in Part B on page 496 in the 3rd  
indented paragraph in the 4th line (page 496, line 32 in L.D.) by  
22 inserting after the following: "8-502" the following: '[Maine  
cite section 8-1502]'

24  
26 Further amend the bill in Part B on page 496 in the 3rd  
indented paragraph in the 7th line (page 496, line 35 in L.D.) by  
inserting after the following: "8-510(c)" the following: '[Maine  
28 cite section 8-1510, subsection (3)]'

30 Further amend the bill in Part B on page 496 in the 3rd  
indented paragraph in the 10th line (page 496, line 38 in L.D.)  
32 by inserting after the following: "8-510(a)" the following:  
'[Maine cite section 8-1510, subsection (1)]'

34  
36 Further amend the bill in Part B on page 496 in the 3rd  
indented paragraph in the 16th line (page 496, line 44 in L.D.)  
by inserting after the following: "8-510(c)" the following:  
38 '[Maine cite section 8-1510, subsection (3)]'

40 Further amend the bill in Part B on page 497 in subsection 5  
in the 2nd line (page 497, line 15 in L.D.) by inserting after  
42 the following: "(d)" the following: '[Maine cite subsection (4)]'

44 Further amend the bill in Part B on page 497 in subsection 5  
in the 3rd and 4th lines (page 497, lines 16 and 17 in L.D.) by  
46 striking out all of the following: "[Maine cite Article 9-A]"  
and inserting in its place the following: '[Maine cite Article  
48 9-A]'

50 Further amend the bill in Part B on page 497 by inserting  
before section 26 the following:





2 defined in this section, that is sold on or after January 1, 1994  
may not exceed 18% per year on the unpaid balance of the amount  
4 financed. For the purposes of this section, "motor vehicle"  
means any self-propelled vehicle not operated exclusively on  
6 tracks, except agricultural machinery and any other devices that  
do not constitute consumer goods, as defined in Title 11, section  
9-109, ~~subsection 1~~ 9-1102, subsection (23).

8  
9 **Sec. D-3. 9-A MRSA §3-206, sub-§1, ¶C**, as enacted by PL 1981,  
10 c. 264, §1, is amended to read:

12 C. Notices required under Title 11, Article 9 9-A; and

14 **Sec. D-4. 10 MRSA §1045-A, sub-§2**, as enacted by PL 1985, c.  
16 344, §73, is amended to read:

18 **2. Mortgages.** To further secure the payment of the revenue  
obligation securities, the trust agreement or other document may  
20 mortgage or assign the mortgage of the project, or any part, and  
create a lien upon or security interest in any or all of the  
22 project. In the event of a default with respect to the revenue  
obligation securities, the trustee, mortgagee or other person may  
24 be authorized by the trust agreement or other document containing  
a mortgage or assignment of a mortgage to take possession of,  
26 hold, manage and operate all or any part of the mortgaged  
property and, with or without taking possession, to sell or, from  
28 time to time, to lease the property in accordance with law. Any  
security interest granted by the authority under this chapter may  
30 be created and perfected in accordance with the Uniform  
Commercial Code, Title 11, Article 9, ~~notwithstanding Title 11,~~  
~~section 9-104, subsection 5~~ 9-A.

32  
34 **Sec. D-5. 10 MRSA §1065, sub-§2**, as amended by PL 1985, c.  
344, §88, is further amended to read:

36 **2. Mortgages.** To further secure the payment of the revenue  
obligation securities, the trust agreement or other financial  
38 document may mortgage the project or any part and create a lien  
upon any or all of the real or personal property of the project.  
40 In the event of a default with respect to the revenue obligation  
securities, the trustee or mortgagee may be authorized by the  
42 trust agreement or financial document containing a mortgage or  
assignment of a mortgage to take possession of, hold, manage and  
44 operate all or any part of the mortgaged property and, with or  
without taking possession, to sell or, from time to time, to  
46 lease the property in accordance with law. Any security interest  
granted by a municipality under this chapter may be created and  
48 perfected in accordance with the provisions of the Uniform  
Commercial Code, Article 9, ~~notwithstanding the provisions of~~  
50 ~~Title 11, section 9-104, subsection 5~~ 9-A.

2           **Sec. D-6. 10 MRSA §3322, sub-§4**, as enacted by PL 1975, c.  
725, is amended to read:

4           **4. Inventory.** "Inventory" shall ~~have~~ has the same meaning  
6 as defined in Title II, ~~section 9-109, subsection (4)~~ 11, section  
9-1102, subsection (48).

8           **Sec. D-7. 10 MRSA §3802, sub-§2**, as enacted by PL 1999, c. 88,  
10 §1, is amended to read:

12           **2. Fees.** The fee for filing a lien under this section is  
14 the same as under Title 11, section 9-403, ~~subsection (5)~~ 9-1525.

16           **Sec. D-8. 10 MRSA §4001, first ¶** is amended to read:

18           Whoever has a lien on personal property in ~~his~~ that person's  
possession which is not covered by Title 11, ~~article 9~~ Article  
20 9-A may enforce it by a sale thereof in the manner provided for  
in the contract creating such lien, if in writing, or as  
hereinafter provided for in this chapter.

22           **Sec. D-9. 13 MRSA §1746, sub-§1**, as enacted by PL 1993, c.  
24 300, §1, is amended to read:

26           **1. Creation of security interest.** Security interests in  
28 shares of cooperative affordable housing corporations may be  
created, perfected and enforced in the same manner as security  
30 interests in certificated securities under Title 11, ~~articles 8~~  
and 9 Articles 8-A and 9-A. A lender may perfect such a security  
32 interest by possession of shares or by any other method under  
which security interests in certificated securities may be  
perfected pursuant to Title 11, ~~article 8~~ Article 8-A.

34           **Sec. D-10. 14 MRSA §3131, sub-§§3 and 5**, as enacted by PL 1987,  
36 c. 184, §14, are amended to read:

38           **3. Notice of turnover order and sale.** The judgment  
40 creditor shall give notice of any turnover order or sale to any  
person who has a security interest, mortgage, lien, encumbrance  
42 or other interest in the property when the interest is recorded,  
possessory or of which the judgment creditor has actual  
44 knowledge. ~~He~~ The judgment creditor shall provide notice of sale  
to the judgment debtor. In the case of a turnover order, the  
46 notice shall must include a copy of the order, the name and  
address of the judgment creditor and the name and address of the  
attorney, if any, representing the judgment creditor in the  
48 disclosure proceeding. Notice of a turnover order shall must be  
provided within 30 days after the entry of the turnover order.  
50 In the case of a sale, the notice shall must be of the type which

2 a secured creditor is required to provide to a debtor in a sale  
of secured property subject to Title 11, section 9-504,  
3 ~~subsection-(3) 9-1611~~, and shall must be provided at the time  
4 required under that section. If the judgment creditor fails to  
provide the required notice of sale or turnover order to others,  
5 the creditor ~~shall-be~~ is liable to the 3rd parties for any loss  
6 caused by the failure.

8  
9 **5. Method and effect of sale.** Sale of the property may be  
10 by public or private sale and by any method which is commercially  
reasonable. The judgment creditor may buy at any sale at which a  
11 secured party could buy if the sale occurred pursuant to Title  
12 11, section 9-504,~~subsection-(3) 9-1610~~. The sale ~~shall-have~~  
13 has the effect accorded dispositions under Title 11, section  
14 9-504,~~subsection-(4) 9-1617~~, whether the property is real or  
15 personal.

16  
17 **Sec. D-11. 14 MRSA §3131, sub-§9**, as amended by PL 1995, c.  
18 65, Pt. A, §38 and affected by §153 and Pt. C, §15, is further  
19 amended to read:

20  
21 **9. Lien.** An order entered pursuant to this section shall  
22 ~~constitute~~ constitutes a lien against the property which is the  
23 subject of the order and against the proceeds of any disposition  
of the property by the judgment debtor which occurs at any time  
24 after entry of the order. The lien ~~shall-extend~~ extends to  
25 proceeds of any disposition of the property, real or personal,  
26 subject to the lien of the judgment creditor to the extent that a  
secured party would have an interest in the proceeds under Title  
27 11, section 9-306 9-1315, subsection (1). The lien ~~shall must~~ be  
28 for the full amount of the unpaid judgment, interest and costs,  
29 and ~~shall-become~~ becomes perfected as to 3rd parties on the  
30 earlier of:

31  
32  
33 A. The time the judgment creditor or purchaser takes  
34 possession of the property;

35  
36  
37 B. If the property is real estate, the time when an  
38 attested copy of the turnover or sale order is filed with  
39 the registry of deeds where a mortgage would be filed to be  
40 duly perfected;

41  
42  
43 C. If the property is personalty ~~against-which of a type~~ a  
44 security interest in which may be perfected by filing  
pursuant to Title 11, the time when an attested copy of the  
45 turnover or sale order is filed ~~with-the-filing-officer~~  
~~where-a-filing-would-be-required-under-Title-11,-section~~  
46 9-401 in the office of the Secretary of State;

2 D. If the property is a motor vehicle for which a  
4 certificate of title is required, the time when an attested  
6 copy of the turnover or sale order is delivered to the  
office of the Secretary of State where notice would be  
delivered pursuant to Title 29-A, section 665, subsection 1;  
or

8 E. If the judgment creditor or purchaser takes possession  
10 of the property, or if an order is recorded, filed or  
delivered pursuant to this subsection during the pendency of  
12 any properly perfected prejudgment or post-judgment  
attachment obtained in the underlying action, or any  
14 judgment lien created pursuant to section 4651, the time  
when the attachment or lien was duly perfected against the  
16 property.

18 **Sec. D-12. 14 MRSA §3132**, as repealed and replaced by PL  
1987, c. 184, §15, is amended to read:

20 **§3132. Possessory lien**

22 When it is shown at a hearing under this chapter that the  
24 judgment debtor owns or otherwise has an interest in personal  
property in which a security interest may be perfected only by  
26 possession as set forth in Title 11, ~~article 8 or 9~~ Article 8-A  
or 9-A, upon request of the judgment creditor, the court shall  
28 order a lien on the judgment debtor's interest in so much of such  
property as is not exempt from attachment and execution pursuant  
30 to sections 4421 to 4426, and as will satisfy the unpaid judgment  
plus interest and costs. Any lien ordered under this section  
32 shall ~~be~~ is perfected as to 3rd parties as of the time the  
judgment creditor takes possession of the property or the  
34 document evidencing the property.

36 Any lien ordered under this section ~~shall extend~~ extends to  
the proceeds of any disposition of any property subject to the  
38 lien of the judgment creditor which occurs at any time after  
entry of the lien order to the same extent that a secured party  
would have an interest in such proceeds pursuant to Title 11,  
40 section 9-306 9-1315, subsection (1). The court is given  
equitable power to make all appropriate orders, including, but  
42 not limited to, turnover orders, to assist the judgment creditor  
in perfecting a lien under this section and to effectuate or  
44 compel obedience to any orders issued pursuant to this section.

46 **Sec. D-13. 14 MRSA §3579, sub-§5, ¶B**, as enacted by PL 1985,  
48 c. 641, §3, is amended to read:

50 B. Enforcement of a security interest in compliance with  
the Uniform Commercial Code, Title 11, Article 9 9-A.

2           **Sec. D-14. 14 MRSA §4151, 2nd ¶**, as enacted by PL 1985, c.  
187, §1, is amended to read:

4  
6           Following the entry of judgment in a civil action and prior  
to the issuance of a writ of execution upon the judgment, any  
8 interest in real or personal property, which is not exempt from  
attachment and execution, may be attached by the plaintiff by the  
10 filing in the registry of deeds for the county in which the  
property is located, with respect to real property, or in the  
12 proper place pursuant to office of the Secretary of State, with  
respect to property of a type a security interest in which may be  
14 perfected by a filing in such office under to Title 11, section  
9-401, ~~subsection (1)~~ Article 9-A, of an attested copy of the  
16 court order awarding judgment. Fees for the recording of the  
order shall must be as otherwise provided for similar documents.  
18 Notwithstanding section 4454, the filing shall ~~constitute~~  
constitutes perfection of the attachment. The party whose  
20 property has been so attached shall must be immediately notified  
by certified letter, mailed by the plaintiff to the party's last  
22 known address, which shall must inform the party that an  
attachment has been filed against the party's real or personal  
24 property and shall must specify the registry of deeds or office  
of the Secretary of State in which the attachment has been  
recorded.

26  
28           **Sec. D-15. 14 MRSA §4651-A, sub-§2**, as enacted by PL 1987, c.  
184, §23, is amended to read:

30           **2. Lien on personal property.** The filing of an execution  
32 duly issued by any court of this State or an attested copy  
thereof with in the proper place or places for perfecting a  
34 security interest in personal property pursuant to Title 11,  
section 9-401, subsections (1) and (5) office of the Secretary of  
36 State within one year after issuance of the execution shall  
create creates a lien in favor of each judgment creditor upon the  
38 right, title and interest of each judgment debtor in personal  
property which is not exempt from attachment and execution and  
40 which is of a type against which a security interest could be  
perfected by the filing pursuant to Title 11, section 9-401 of a  
financing statement with the office of the Secretary of State.

42  
44           **Sec. D-16. 14 MRSA §4154, first ¶**, as amended by PL 1985, c.  
187, §2, is further amended to read:

46           Any interest in real or personal property, which is not  
48 exempt from attachment and execution, may be attached by the  
plaintiff by the filing in the registry of deeds for the county  
in which the property is located, with respect to real property,  
50 or in the proper place pursuant to office of the Secretary of

2 State, with respect to property of a type a security interest in  
3 which may be perfected by a filing in such office under Title 11,  
4 section 9-401,--subsection-1 Article 9-A, of an attested copy of  
5 the court order approving the real or personal property  
6 attachment, provided that the order shall ~~be~~ is filed within 30  
7 days after the order approving the attachment, or within such  
8 additional time as the court may allow upon a timely motion.  
9 Fees for the recording of the order shall ~~must~~ be as otherwise  
10 provided for similar documents. Notwithstanding section 4454,  
11 the filing shall ~~constitute~~ constitutes perfection of the  
12 attachment and service of a copy of the court's order shall ~~must~~ be  
13 made upon the defendant in accordance with the Maine Rules of  
14 Civil Procedure pertaining to service of writs of attachment.

15 **Sec. D-17. 19-A MRSA §2357, sub-§2,** as enacted by PL 1995, c.  
16 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

17 **2. Filing.** For real property, a lien is perfected when a  
18 notice of support lien is filed in the registry of deeds of the  
19 county or counties in which the real property is located. For  
20 personal property, including motor vehicles or other items for  
21 which a certificate of ownership is issued by the Secretary of  
22 State, the lien is perfected when a notice of support lien is  
23 delivered to the Secretary of State. The Secretary of State  
24 shall mark, hold and index the notice of support lien as if it  
25 were a financing statement within the meaning of Title 11,  
26 section 9-402 ~~9-1102,~~ subsection (39). The notice of support  
27 lien must state the name and address of the responsible parent,  
28 the amount of the child support debt accrued, the date of the  
29 decision or notice of debt by which the debt was assessed and the  
30 name and address of the authorized agent of the department who  
31 issued the notice.

32 **Sec. D-18. 20-A MRSA §10956, last ¶,** as amended by PL 1989, c.  
33 502, Pt. A, §58, is further amended to read:

34 All expenses incurred in carrying out the trust agreement,  
35 financing document or resolution may be treated as a part of the  
36 cost of the operation of a project. All pledges of revenues  
37 under this chapter shall ~~be~~ are valid and binding from the time  
38 when the pledge is made. All such revenues so pledged and  
39 received by the university shall ~~must~~ be immediately be subject to  
40 the lien of the pledges without any physical delivery of them or  
41 further action under the Uniform Commercial Code, Title 11, or  
42 otherwise. The lien of those pledges shall ~~be~~ is valid and  
43 binding as against all parties having claims of any kind in tort,  
44 contract or otherwise against the university irrespective of  
45 whether the parties have notice of the liens, and the liens shall  
46 are automatically, without further action, be perfected and have

2 the same status as a security interest perfected under the  
Uniform Commercial Code, Title 11, Article 9 9-A.

4 **Sec. D-19. 30-A MRSA §5706, sub-§2**, as amended by PL 1997, c.  
429, Pt. C, §35, is further amended to read:

6  
8 **2. Repurchase agreements.** In repurchase agreements with  
10 respect to obligations of the United States Government, as  
12 defined in section 5712, subsection 1, as long as the market  
14 value of the underlying obligation is equal to or greater than  
16 the amount of the municipality's investment and either the  
18 municipality's security entitlement with respect to the  
20 underlying obligation is created pursuant to the provisions of  
22 Title 11, ~~article~~ Article 8-A and other applicable law or the  
municipality's security interest is perfected pursuant to the  
provisions of Title 11, ~~article--9~~ Article 9-A and other  
applicable law, except that, if the term of the repurchase  
agreement is not in excess of 96 hours, the municipality's  
security interest with respect to the underlying obligation  
need not be perfected as long as an executed Public Securities  
Association form of master repurchase agreement is on file with  
the counterparty prior to the date of the transaction;

24 **Sec. D-20. 33 MRSA §203**, as amended by PL 1993, c. 395, §1,  
26 is further amended to read:

28 **§203. Need for acknowledgment**

30 Deeds and all other written instruments before recording in  
32 the registries of deeds, except those issued by a court of  
competent jurisdiction and duly attested by the proper officer  
thereof, and excepting plans and notices of foreclosure of  
34 mortgages and certain financing statements as provided in Title  
11, section ~~9-401~~ 9-1501, subsection (1), paragraph (a), and  
36 excepting notices of liens for internal revenue taxes and  
certificates discharging such liens and excepting notices of  
38 liens for taxes assessed pursuant to Title 36, Part 1 and Parts 3  
to 8 and Title 26, chapter 13, and releases discharging such  
40 liens, must be acknowledged by the grantors, or by the persons  
executing any such written instruments, or by one of them, or by  
42 their attorney executing the same, or by the lessor in a lease or  
one of the lessors or lessor's attorney executing the same,  
44 before a notary public in the State, or before an attorney-at-law  
duly admitted and eligible to practice in the courts of the  
46 State, if within the State; or before any clerk of a court of  
record having a seal, notary public or commissioner appointed by  
48 the Governor of this State for the purpose, or a commissioner  
authorized in the State where the acknowledgment is taken, within  
50 the United States; or before a minister, vice-consul or consul of  
the United States or notary public in any foreign country.

2 Any person who is in the Armed Forces of the United States,  
4 and who executes a general or special power of attorney, deed,  
6 lease, contract or any instrument that is required to be  
8 recorded, may acknowledge the same as his that person's true act  
10 and deed before any lieutenant or officer of senior grade thereto  
12 in the Army, U. S. Marine Corps or Air Force or before any ensign  
14 or officer of senior grade thereto in the Navy or Coast Guard and  
16 the record of such acknowledgment by said officers shall must be  
18 received and have the same force and effect as ~~acknowledgements~~  
acknowledgments under the other provisions of this section, and  
all such instruments heretofore executed are hereby validated as  
to acknowledgment and authenticity. Powers of attorney and other  
instruments requiring seals executed by such members of the armed  
forces may be accepted for recordation in registries of deeds and  
other offices of record in cases where no seal is affixed after  
the name of the person or persons executing the instrument with  
like force and effect as though seals were affixed thereto.

20 Any notary public who is a stockholder, director, officer or  
22 employee of a bank or other corporation may take the  
24 acknowledgment of any party to any written instrument executed to  
26 or by such corporation, provided such notary public is not a  
party to such instrument either individually or as a  
representative of such bank or other corporation.

28 This section shall may not be construed as invalidating any  
30 instrument duly executed in accordance with the statutes  
32 heretofore in effect or made valid by any such statute. All such  
instruments may be admitted to record which at the time of their  
execution or subsequent validation could be so recorded.

34 Notwithstanding any of the requirements in this section, an  
36 instrument with an acknowledgment conforming to the requirements  
of the Uniform Recognition of ~~Aeknewlegments~~ Acknowledgments Act,  
Title 4, section 1011 et seq., shall must be accepted for  
recording purposes.

38 **Sec. D-21. 33 MRSA §505, sub-§5, ¶A,** as enacted by PL 1993, c.  
40 229, §3, is amended to read:

42 A. The mortgagor or a successor in interest may file in the  
44 same recording office in which the original mortgage is  
46 filed and send to the mortgagee by registered mail, return  
48 receipt requested, a written notice limiting the amount of  
future advances, other than advances made pursuant to a  
commitment as defined in Title 11, section 9-105, ~~subsection~~  
~~1, -- paragraph --~~ 9-1102, subsection (68), secured by that  
mortgage to not less than the amount actually advanced as of



2 the end of the 3rd business day following the delivery of  
the notice.

4 **Sec. D-22. 33 MRSA §551, last ¶**, as amended by PL 1999, c. 230,  
§1 and affected by §2, is further amended to read:

6 All discharges of recorded mortgages, attachments or liens  
8 of any nature must be recorded by a written instrument, and,  
10 except for termination statements filed pursuant to Title 11,  
section 9-404 9-1513, acknowledged in same manner as other  
12 instruments presented for record and no such discharges may be  
permitted by entry in the margin of the instrument to be  
discharged.

14 **Sec. D-23. 33 MRSA §1903, sub-§§3 and 4**, as enacted by PL 1989,  
16 c. 502, Pt. A, §121, are amended to read:

18 **3. Personal property liens.** Notices of federal liens upon  
personal property, whether tangible or intangible, except  
20 property of a type in which a security interest is perfected  
under Title 11, section 9-401, ~~subsection (1), paragraph (a)~~  
22 9-1501, subsection (1), paragraph (a), for obligations payable to  
the United States and certificates and notices affecting the  
24 liens, shall must be filed with the Secretary of State.

26 **4. Timber, mineral and other liens.** Notices of federal  
liens upon personal property of a type in which a security  
28 interest is perfected under Title 11, section 9-401, ~~subsection~~  
(1), ~~paragraph (a)~~ 9-1501, subsection (1), paragraph (a), for  
30 obligations payable to the United States and certificates and  
notices affecting the liens, shall must be filed in the registry  
32 of deeds in the county or counties where a mortgage on the real  
estate concerned would be filed or recorded.

34 **Sec. D-24. 33 MRSA §1905, sub-§1, ¶A**, as enacted by PL 1989,  
36 c. 502, Pt. A, §121, is amended to read:

38 A. The Secretary of State, the filing officer shall cause  
the notice to be marked, held and indexed in accordance with  
40 Title 11, section 9-403, ~~subsection (4)~~ 9-1519, as if the  
notice were a financing statement within the meaning of the  
42 Uniform Commercial Code, Title 11, except that if the  
property is of a type in which a security interest is  
44 perfected under Title 5, section 90-A, the Secretary of  
State shall cause the notice to be marked, held and indexed  
46 in accordance with the procedures established under Title 5,  
section 90-A, as if the notice were a financing statement  
48 within the meaning of that section; or

2           **Sec. D-25. 35-A MRSA §4151, sub-§8**, as enacted by PL 1987, c.  
141, Pt. A, §6, is amended to read:

4           **8. Investment securities.** All bonds, notes and interest  
6 coupons appertaining to them issued by the agency have all the  
8 qualities and incidents, including negotiability, unless the  
10 agency expressly provides otherwise, of investment securities  
12 under the applicable provisions of Title 11, ~~article--8~~ Article  
14 8-A, but no provision of Title 11, ~~article--9~~ Article 9-A,  
respecting the filing of a financing statement to perfect a  
security interest shall-be is applicable to any pledge made or  
security interest created in connection with the issuance of the  
bonds, notes or coupons.

16           **Sec. D-26. 36 MRSA §175-A, sub-§1**, as amended by PL 1997, c.  
526, §10, is further amended to read:

18           **1. Filing.** If any tax imposed by this Title or imposed by  
20 any other provision of law and authorized to be collected by the  
22 bureau is not paid when due and no further administrative or  
24 judicial review of the assessment is available pursuant to law,  
26 the assessor may file in the registry of deeds of any county,  
28 with respect to real property, or in the office in-which-a  
financing-statement-with-respect-to-tangible-personal-property-is  
properly-filed-with of the Secretary of State, with respect to  
property of a type a security interest in which may be perfected  
by a filing in such office under Title 11, ~~section--9-401,~~  
subsection--(1),--paragraph--(b) Article 9-A, a notice of lien  
specifying the amount of the tax, interest, penalty and costs  
due, the name and last known address of the person liable for the  
amount and, in the case of a tax imposed by this Title, the fact  
that the assessor has complied with all the provisions of this  
Title in the assessment of the tax. The lien arises at the time  
the assessment becomes final and constitutes a lien upon all  
property, whether real or personal, then owned or thereafter  
acquired by that person in the period before the expiration of  
the lien. The lien imposed by this section is not valid against  
any mortgagee, pledgee, purchaser, judgment creditor or holder of  
a properly recorded security interest until notice of the lien  
has been filed by the assessor, with respect to real property, in  
the registry of deeds of the county where such property is  
located and, with respect to personal property, in the office in  
which a financing statement for such personal property is  
normally filed. Notwithstanding this subsection, a tax lien upon  
personal property does not extend to those types of personal  
property not subject to perfection of a security interest by  
means of the filing under ~~Title 11,--sections--9-104,--subsection~~  
~~(7);--9-104,--subsection--(12);--9-302,--subsection--(3);--and--9-304~~ in  
the office of the Secretary of State. The lien is prior to any  
mortgage or security interest recorded, filed or otherwise

2 perfected after the notice, other than a purchase money security  
3 interest perfected in accordance with Title 11, ~~section--9-301,~~  
4 ~~subsection--(2)--and--Title--11,--section--9-312,--subsection--(4)~~  
5 Article 9-A. In the case of any mortgage or security interest  
6 properly recorded or filed prior to the notice of lien that  
7 secures future advances by the mortgagee or secured party, the  
8 lien is junior to all advances made within 45 days after filing  
9 of the notice of lien, or made without knowledge of the lien or  
10 pursuant to a commitment entered into without knowledge of the  
11 lien. Subject to the limitations in this section, the lien  
12 provided in this section has the same force, effect and priority  
13 as a judgment lien and continues for 10 years from the date of  
14 recording unless sooner released or otherwise discharged. The  
15 lien may, within the 10-year period, or within 10 years from the  
16 date of the last extension of the lien in the manner provided in  
17 this subsection, be extended by filing for record in the  
18 appropriate office a copy of the notice and, from the time of  
19 filing, that lien must be extended for 10 years unless sooner  
20 released or otherwise discharged.

21 **Sec. D-27. 36 MRSA §176-A, sub-§6, ¶¶A and B**, as enacted by PL  
22 1989, c. 880, Pt. E, §3, are amended to read:

23 A. As soon as practicable after seizure of property, the  
24 assessor shall give notice in writing to the owner of the  
25 property, or, in the case of personal property, the  
26 possessor of the property, or leave notice at the owner's or  
27 possessor's usual place of abode or business, if any, within  
28 the State. If the owner or possessor cannot be readily  
29 located, or has no dwelling or place of business within the  
30 State, the notice may be mailed to that person's last known  
31 address. In the case of real property, the notice must be  
32 filed in the registry of deeds in the county where the  
33 property is located. The notice must specify the sum  
34 demanded and contain:

35 (1) In the case of personal property, an account of  
36 the property seized; and

37 (2) In the case of real property, a description with  
38 reasonable certainty of the property seized.

39 In the case of levy on a motor vehicle that is the subject  
40 of a Certificate of Title issued by the Secretary of State,  
41 a copy of the notice must be filed with the Secretary of  
42 State, who shall note the levy in the records of ownership  
43 of the motor vehicle in question. In the case of levy on  
44 that type of personal property, a security interest in which  
45 may be perfected by filing in the office of the Secretary of  
46 State pursuant to ~~Title--11,--section--9-401~~, a copy of the  
47  
48  
49  
50

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2 notice must be filed in the office of the Secretary of  
State, who shall file the notice of levy as a financing  
statement.

4  
6 B. The assessor, as soon as practicable after the seizure  
of the property, shall give notice to the owner or possessor  
8 in the manner prescribed in paragraph A and cause a  
notification to be published in a newspaper of general  
10 circulation within the county where the seizure is made, or,  
if there is no such newspaper, post the notice at the city  
12 or town hall nearest the place where the seizure is made and  
in not less than 2 other public places. In the case of real  
14 property, the notice must be served on all persons holding  
an interest of record, including, without limitation,  
16 recorded leases and security interest of all types, in the  
property as reflected at the time the notice of levy is  
18 recorded by the indices of the registry of deeds in the  
county where the property is located. In the case of  
20 personal property that is a motor vehicle subject to a  
Certificate of Title issued by the Secretary of State,  
22 notice must be served on all persons holding a security  
interest of record in the motor vehicle as set forth in the  
24 records of the Secretary of State. In the case of the type  
of personal property that may be the subject of a security  
interest perfected by filing in the office of the Secretary  
26 of State ~~pursuant to Title 11, section 9-401~~, notice must be  
served upon all secured parties claiming an interest in the  
28 property seized as reflected at the time the notice of levy  
is recorded in the records maintained by the Secretary of  
30 State pursuant to Title 11. The notice must specify the  
property to be sold, subject to the liabilities of prior  
32 encumbrances, if any, and the time, place, manner and  
conditions of the sale. If levy is made without regard to  
34 the 10-day period provided in subsection 2, public notice of  
sale of the property seized may not be made within the  
36 10-day period unless subsection 7 applies. It is a Class E  
crime to intentionally remove or deface the posted notice of  
38 sale prior to the scheduled sale date, unless the property  
has been redeemed or the sale is for some other reason  
40 canceled. The assessor or any law enforcement officer may  
enter onto the land if necessary to carry out the purposes  
42 of this section.

44 **Sec. D-28. 36 MRSA §612**, as amended by PL 1985, c. 218, is  
further amended to read:

46 **§612. Tax lien on personal property**

48 1. **Lien.** There shall must be a lien to secure the payment  
50 of all taxes legally assessed on personal property as defined in

2 section 601 and, provided in the inventory and valuation upon  
3 which the assessment is made, there shall must be a description  
4 of the personal property taxed which meets the requirements of  
5 Title 11, section 9-402 9-1504. Except as otherwise provided in  
6 this section, the lien, when perfected, shall--~~take~~ takes  
7 precedence over all other claims on the personal property and  
8 shall--~~continue~~ continues in force until the taxes are paid or  
until the lien is otherwise terminated by law.

10 **2. Definitions.** As used in this section, unless the context  
11 otherwise indicates, the terms used in this section have the same  
12 meanings as in Title 11.

14 **3. Filing required to perfect lien.** The lien established by  
15 subsection 1 shall--~~attach~~ attaches on the date of assessment and  
16 shall--~~become~~ becomes perfected at the time when notice of the  
17 lien, signed by the tax collector, is filed, pursuant to the  
18 filing provisions of Title 11, section 9-403 9-1516, except that  
19 the signature of the taxpayer against whose property the lien is  
20 claimed, shall is not be required on the notice of lien. If the  
21 lien is not perfected within 2 years from the date of assessment,  
22 it shall--~~expire~~ expires.

24 **4. Notice of lien.** Each notice of lien, which may be in the  
25 form of a financing statement, shall may contain information  
26 which will identify:

28 A. The owner of the property upon which the lien is  
29 claimed, if the owner is not the taxpayer;

30 B. The residence or business address of the owner;

31 C. The taxpayer and his the taxpayer's residence or  
32 business address;

33 D. The property claimed to be subject to the lien;

34 E. The amount of tax, accrued interest and costs claimed  
35 due the municipality by the lien;

36 F. The tax year or years for which the lien is claimed; and

37 G. The municipality claiming the lien.

38 A copy of the notice of lien shall must be given by certified  
39 mail, return receipt requested, at the last known address, to the  
40 taxpayer, to the owner, if the owner is not the taxpayer and to  
41 any secured party who has a recorded security interest. Failure  
42 to give notice to any secured party who has a perfected security  
43 interest shall--~~prevent~~ prevents the lien from taking precedence  
44

over that security interest, but shall does not otherwise affect the validity of the lien.

5. **Effective period of lien; limitation period.** The lien shall-be is effective for a period of 5 years from the date of filing, unless discharged as provided in this section or unless a continuation statement ~~should-be~~ is filed prior to the lapse. A continuation statement signed by the tax collector may be filed on behalf of the municipality within 6 months prior to the expiration of the 5-year period provided in this section in the same manner and to the same effect as provided in Title 11, section 9-403, ~~sub-section-(3)~~ 9-1515.

6. **Rights and remedies of municipality and taxpayer.** A municipality which has filed a notice of tax lien and the taxpayer against whom the lien has been filed shall have the rights and remedies of a secured party and debtor, respectively, as provided for in Title 11, ~~sections-9-501-to-9-507~~ Article 9-A, Part 6, except that the municipality shall does not have the right to propose to retain any property in satisfaction of the obligation, as provided in Title 11, ~~section-9-505~~ Article 9-A, Part 6.

7. **Personal property liens; discharge.** If any lien created under this section is discharged, then a certificate of discharge shall must promptly be filed by the tax collector of the municipality which originally filed the notice of lien, or by his that tax collector's successor, in the same manner as termination statements are filed under Title 11, section 9-404 9-1513. The municipal officer who has filed the notice of lien shall file a notice of discharge of the lien in the manner provided in this section, if:

A. The taxes for which the lien has been filed are fully paid, together with all interest and costs due thereon;

B. A cash bond or surety company bond is furnished to the municipality conditioned upon the payment of the amount liened, together with interest and cost due, within the effective period of the lien as provided in this section; or

C. A final judgment shall-be is rendered in favor of the taxpayer or others claiming an interest in the liened personal property which determines either that the tax is not owed or that the lien is not valid. If the judgment determines that the tax is partially owed, then the officer who filed the notice of lien or his that officer's successor shall, within 10 days of the rendition of the final judgment, file an amended tax lien for the actual amount of tax found to be due, which amended lien shall--be is

2 effective as to the revised amount of the lien as of the  
3 date of the filing of the original notice of tax lien, and  
4 the officer, or his that officer's successor at the time of  
5 the filing of the amended tax lien, shall also file a  
6 discharge of the original tax lien.

8 **8. Consumer goods.** In the case of consumer goods, a buyer  
9 in the ordinary course of business takes free of the lien created  
10 by this section, even though the lien is perfected and even  
11 though the buyer knows of its existence.

12 **9. Liens subordinate to security interests.** The lien  
13 authorized by this section shall ~~be~~ is subordinated to security  
14 interests which were perfected before the effective date of this  
15 section.

16 **10. Collection procedure.** The collection procedure  
17 authorized by this section shall ~~be~~ is optional and shall does  
18 not affect in any way alternate collection procedures authorized  
19 by law.

22 **11. Limitation of this section.** The lien authorized by  
23 this section shall ~~apply~~ applies to taxes assessed on or after  
24 April 1, 1984.

26 **Sec. D-29. 38 MRSA §2214, sub-§2,** as enacted by PL 1989, c.  
27 585, Pt. A, §7, is amended to read:

28 **2. Mortgages.** To further secure the payment of the revenue  
29 obligation securities, the trust agreement or other document may  
30 mortgage or assign the mortgage of the project, or any part of  
31 the project, and create a lien on or security interest in any or  
32 all of the project. In the event of a default with respect to  
33 the revenue obligation securities, the trustee, mortgagee or  
34 other person may be authorized by the trust agreement or other  
35 document containing a mortgage or assignment of a mortgage to  
36 take possession of, hold, manage and operate all or any part of  
37 the mortgaged property and, with or without taking possession, to  
38 sell or from time to time lease the property in accordance with  
39 law. Any security interest granted by the authority under this  
40 chapter may be created and perfected in accordance with the  
41 Uniform Commercial Code, Title 11, Article 9, ~~notwithstanding~~  
42 ~~Title 11, section 9-104, subsection 5~~ 9-A.

44 **Sec. D-30. Effective date.** This Part takes effect July 1, 2001.'

46 Further amend the bill by relettering or renumbering any  
47 nonconsecutive Part letter or section number to read  
48 consecutively.

2 Further amend the bill by inserting at the end before the  
summary the following:

6 **FISCAL NOTE**

8 This bill makes adjustments in the fee structure of filings  
and searches pertaining to the Uniform Commercial Code on secured  
10 transactions. Since these changes will not take effect until  
July 1, 2001, fee collections will not be affected in the  
12 2000-2001 biennium. Also, these fee changes are expected to  
result in no net effect on the collection of General Fund revenue  
14 by the Department of the Secretary of State during the next  
biennium.

16 The Department of the Secretary of State will incur some  
18 minor additional costs to adopt rules to implement the proposed  
changes in the filing processes. These costs can be absorbed  
20 within the department's existing budgeted resources.'

22 **SUMMARY**

24 This amendment incorporates recommended changes to Revised  
26 Article 9 of the Uniform Commercial Code made by the Office of  
the Secretary of State and the Maine State Bar Association's Bar  
28 Committee Report on Revised Article 9. It also includes many  
technical corrections to the original bill, as well as technical  
30 and some minor substantive changes to the Uniform Act recommended  
by the National Conference of Commissioners on Uniform State Laws  
32 after the original bill was printed.

34 Several of the recommendations incorporated in this  
amendment are nonuniform; that is, Maine Article 9-A will not be  
36 exactly the same as the Uniform Act. Nonuniform amendments are  
accompanied by Maine Comments to explain the deviations.

38 Part D includes updated cross-references. The Maine Revised  
40 Statutes, Title 29-A, section 702 is amended by removing the  
relation back provision in the law governing title to motor  
42 vehicles, consistent with the revised operation of sections  
9-1303 and 9-1311. This amendment amends Title 29-A, section 702  
44 to delete the old 4-month rule derived from section 9-103 of  
former Article 9 and instead incorporates by reference the new,  
46 more complex rules found in Part 3 of Article 9-A. The exception  
to this incorporation is to retain the special treatment Maine  
48 has for out-of-state, over-the-road trailers that use Maine as a  
"safe harbor" for registrations and titling. The special rule  
50 validates a Maine title until it is, in fact, surrendered. This  
is a nonuniform provision. The uniform rule would allow a newly  
52 issued, fraudulent, foreign title to trump a Maine title.