

# MAINE STATE LEGISLATURE

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L.D. 1840

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DATE: 3-4-02

(Filing No. H-857)

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**JUDICIARY**

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

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION**

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20 COMMITTEE AMENDMENT "A" to H.P. 1401, L.D. 1840, Bill, "An  
Act to Amend the Uniform Commercial Code, Article 9-A"

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Amend the bill by striking out all of section 3 and  
inserting in its place the following:

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'Sec. 3. 11 MRSA §9-1525, sub-§(1), ¶(d) is enacted to read:

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(d) Zero if the record is a termination statement as  
described in section 9-1513 that relates to an initial  
financing statement filed on or after July 1, 1993 and  
before July 1, 2001, and is communicated in writing or by  
another medium authorized by filing-office rule.'

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

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**FISCAL NOTE**

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**2002-03**

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**REVENUES**

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General Fund \$12,944

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Changes in electronic filing fees charged by the Department  
of the Secretary of State will increase General Fund revenue by

\$12,944 in fiscal year 2002-03 and by \$14,070 for each fiscal year thereafter.

Exempting certain termination statements from filing fee requirements will result in the loss of unbudgeted General Fund revenues. The provisions of Public Law 1999, chapter 699, Part A unintentionally established a fee for these termination statements and the fiscal note for that legislation did not reflect the resulting increase in General Fund revenues. The current biennial budget does not reflect the revenue impact of these unintended fees.'

### SUMMARY

This amendment provides that there is no filing fee for filing with the Secretary of State certain termination statements.

Beginning July 1, 1993, the filing fee for initial filing statements under the Maine Revised Statutes, Title 11, Article 9 was increased, and the impact on filers of that increase was somewhat lessened by the fact that no filing fee would be charged for filing termination statements of the transactions. When Title 11, Article 9-A came into effect on July 1, 2001, there was no mention of the fact that the filing of terminations currently did not incur a fee. Instead, the new law set out uniform fees for the filing of every record. Those fees are set in Title 11, section 9-1525. When the fees were set under Title 11, Article 9-A, the fact that termination filings would be charged a fee was not taken into account. The result is that more fees are being paid and collected than anticipated when Title 11, Article 9-A was enacted. The persons who made initial filings between July 1, 1993 and July 1, 2001 and who are filing termination statements after July 1, 2001 are required to pay a filing fee for filing the termination statement, and yet they paid a higher initial filing fee so they would not have to pay a termination filing fee. This amendment eliminates the filing fee for termination statements for transactions for which the initial financing statements were filed between July 1, 1993 and July 1, 2001. There is no fee for these filings, regardless of which authorized medium of filing is used. Filings of all other termination statements require payment of a fee of \$15, \$30 or \$10, depending on the length of the document and the method of communication used.

The amendment also adds a fiscal note to the bill.