

# MAINE STATE LEGISLATURE

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Date: 5/15/07

L.D. 867  
(Filing No. H-242)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 656, L.D. 867, Bill, "An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators "

Amend the bill in section 1 in §90-E by striking out all of subsection 3 and inserting the following:

**'3. Criminal penalty. A violation of this section is governed by Title 17-A, section 706-A.'**

Amend the bill in section 1 in §90-E in subsection 4 in the first paragraph in the first line (page 6, line 7 in L.D.) by striking out the following: "section" and inserting the following: 'subsection'

Amend the bill in section 1 in §90-E in subsection 4 in paragraph B in the first line (page 6, line 21 in L.D.) by striking out the following: "section" and inserting the following: 'subsection'

Amend the bill in section 1 in §90-E in subsection 4 in paragraph C in the first line (page 6, line 30 in L.D.) by striking out the following: "section" and inserting the following: 'subsection' and in the 2nd line (page 6, line 31 in L.D.) by striking out the following: "section" and inserting the following: 'subsection'

Amend the bill in section 1 in §90-E in subsection 4 in paragraph E in the 2nd line (page 7, line 7 in L.D.) by striking out the following: "in which the financing statement record is presented for filing"

Amend the bill in section 1 in §90-E in subsection 4 in paragraph F in the first line (page 7, line 9 in L.D.) by striking out the following: "section" and inserting the following: 'subsection'

Amend the bill by inserting after section 1 the following:

**COMMITTEE AMENDMENT**

**R.O.S.**

COMMITTEE AMENDMENT "A" to H.P. 656, L.D. 867

1 'Sec. 2. 17-A MRSA §706-A is enacted to read:

2 **§706-A. Falsely filing a recordable instrument**

3 1. A person is guilty of falsely filing a recordable instrument if, with intent to  
4 defraud, harass or intimidate, the person files or causes to be filed a will, deed, mortgage,  
5 security instrument or other writing for which the law provides public recording, knowing  
6 or believing the writing to be false or without legal authority.

7 2. Falsely filing a recordable instrument is a Class D crime.'

8 **SUMMARY**

9 This amendment establishes a separate crime in the Maine Criminal Code of falsely  
10 filing a recordable instrument as a Class D crime. This new crime addresses the problem  
11 of persons filing false or spurious documents in public registries, such as those  
12 maintained by the registries of deeds or probate and the Office of the Secretary of State,  
13 with the intent to defraud, harass or intimidate. This amendment amends the bill to cross-  
14 reference the new crime, rather than establishing the crime in the Maine Revised Statutes,  
15 Title 5.

16 This amendment corrects internal references to remedies available.

17 **FISCAL NOTE REQUIRED**

18 (See attached)



# 123rd MAINE LEGISLATURE

LD 867

LR 1029(02)

**An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform  
Commercial Code Filings as Adopted by the National Association of Secretaries of State and the  
International Association of Commercial Administrators**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new Class D crimes and may increase the number of civil suits filed in the court system.  
The collection of additional fines and filing fees may increase General Fund revenue by minor amounts.