

MAINE STATE LEGISLATURE

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L.D. 1384

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 985, L.D. 1384, Bill, "An Act To Amend Article 9-A of the Uniform Commercial Code"

Amend the bill in Part A by inserting after section 19 the following:

'Sec. A-20. 11 MRSA §9-1502, sub-§(3), ¶(c), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed and the following enacted in its place:

(c). The record satisfies the requirements for a financing statement in this section, but:

(i) The record need not indicate that it is to be filed in the real property records; and

(ii) The record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom section 9-1503, subsection (1), paragraph (c-1) applies; and'

Amend the bill in Part A in section 20 in §9-1503 in subsection (1) in paragraph (b) in the 2nd line (page 7, line 38 in L.D.) by striking out the following: "general" and inserting the following: 'personal'

Amend the bill in Part A in section 20 in §9-1503 in subsection (1) by striking out all of paragraph (c-1) (page 8, lines 24 to 29 in L.D.) and inserting the following:

'(c-1). Subject to subsection 7 if the debtor is an individual to whom this State has issued a driver's license or nondriver identification card that has not expired, only if the financing statement provides the name of the individual that is indicated on a driver's license or nondriver identification card;

(c-2). If the debtor is an individual to whom paragraph (c-1) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and'

COMMITTEE AMENDMENT

1 Amend the bill in Part A in section 20 in §9-1503 by striking out all of subsection (7)
2 (page 9, lines 12 to 15 in L.D.) and inserting the following:

3 '(7). If this State has issued to an individual more than one driver's license or
4 nondriver identification card of a kind described in subsection (1), paragraph (c-1), the
5 one that was issued most recently is the one to which subsection (1), paragraph (c-1)
6 refers.'

7 Amend the bill in Part A in section 26 in §9-1521 in subsection (2) in the 2nd line
8 (page 12, line 9 in L.D.) by striking out the following: "record in a form" and inserting
9 the following: 'amendment or information statement in a form'

10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
11 section number to read consecutively.

12 SUMMARY

13 This amendment changes the standard for filing the debtor name in a secured
14 transaction when the debtor is an individual. The National Conference of Commissioners
15 on Uniform State Laws provided 2 alternatives from which state legislatures were to
16 choose when adopting the 2010 Amendments to Revised Article 9 of the Uniform
17 Commercial Code. The bill was printed with Alternative B. This amendment instead
18 adopts Alternative A, which provides that if the debtor is an individual to whom this State
19 has issued a driver's license or a nondriver identification card and it has not expired, then
20 the correct debtor name for the financing statement is the name on the driver's license or
21 nondriver identification card. This change is made in the Maine Revised Statutes, Title
22 11, section 9-1503. A corresponding change is added in Title 11, section 9-1502.

23 This amendment corrects a reference to a personal representative:

24 This amendment corrects a clerical error in describing the Secretary of State's
25 responsibility as the filing office to accept a written amendment or information statement
26 in the form or format approved by the International Association of Commercial
27 Administrators or adopted by rule by the Secretary of State.