

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

5. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. B-27. 24-A MRSA §4247, sub-§3 is enacted to read:

3. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. B-28. 24-A MRSA §4248, sub-§4 is enacted to read:

4. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. B-29. 24-A MRSA §4250, sub-§3 is enacted to read:

3. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. B-30. 24-A MRSA §4251, sub-§6 is enacted to read:

6. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. B-31. 24-A MRSA §4310, sub-§5 is enacted to read:

5. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be

renewed no later than the next yearly anniversary of the contract date.

Sec. B-32. 24-A MRSA §4311, sub-§4 is enacted to read:

4. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. B-33. 24-A MRSA §4314, sub-§5 is enacted to read:

5. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. B-34. 24-A MRSA §4315, sub-§7 is enacted to read:

7. Application. The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective February 19, 2004.

CHAPTER 518

H.P. 1278 - L.D. 1756

An Act To Amend the Uniform Federal Lien Registration Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §86, next to last ¶, as enacted by PL 1987, c. 645, §1, is amended to read:

For filing ~~and recording~~ a federal tax lien or other federal liens, certificates or notices affecting the liens of which under any Act of Congress or any federal regulation are required or permitted to be filed; \$5 under Title 33, chapter 39, that fee specified in Title 33, section 1906.

Sec. 2. 33 MRSA §1902, as enacted by PL 1989, c. 502, Pt. A, §121, is amended to read:

§1902. Scope

This chapter applies only to federal tax liens and to other federal lien notices ~~which, that~~ under any Act of Congress or any federal regulation; adopted pursuant to any Act of Congress are required or permitted to be filed in the same manner as notices of federal tax liens.

Sec. 3. 33 MRSA §1903, sub-§2, as enacted by PL 1989, c. 502, Pt. A, §121, is amended to read:

2. Real property liens. Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens ~~shall must~~ be filed ~~in~~ with the registry of deeds in ~~that~~ the county or counties within which the affected property is situated.

Sec. 4. 33 MRSA §1903, sub-§4, as amended by PL 1999, c. 699, Pt. D, §23 and affected by §30, is further amended to read:

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

Sec. 5. 33 MRSA §1905, as amended by PL 1999, c. 699, Pt. D, §24 and affected by §30, is further amended to read:

§1905. Duties of filing officer

1. Notices. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection 2 is presented ~~to a filing officer who is for filing to:~~

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

B. A register of deeds, the filing officer shall receive, record and index the notice in the same manner as similar instruments are recorded and indexed.

2. Certificates. If a certificate of release, non-attachment, discharge ~~or~~, subordination ~~of any lien or withdrawal of a filed notice of federal tax lien~~ is presented ~~to the Secretary of State~~ for filing, the filing officer shall:

A. Cause a certificate of release ~~or~~, nonattachment ~~or withdrawal of a filed notice of federal tax lien~~ to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code; and

B. Cause a certificate of discharge or subordination to be marked, held and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code, ~~Title 11~~.

~~**3. Refiled notices; register of deeds.** If a refiled notice of federal lien as referred to in subsection 1 or any of the certificates of notices referred to in subsection 2 are presented for filing to a register of deeds, the register of deeds shall receive, record and index that instrument in the same manner as similar instruments are recorded and indexed.~~

~~**4. Filing; fees.** Upon the written request of any person, the Secretary of State shall issue a certificate showing whether there is on file, on the date and hour stated in the request, any notice of lien or certificate or notice affecting any lien filed under this chapter naming a particular person and, if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for certification is \$10, plus 50¢ for each page of the certificate after the first page. Upon request, the Secretary of State shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien, for a fee of \$2, plus 50¢ for each page of the copy after the first page.~~

5. Method of communication. The filing officer shall accept liens described in this chapter in the method or medium authorized by the filing office in accordance with Title 11, Article 9-A, Part 5 and rule of the appropriate filing office.

Sec. 6. 33 MRSA §1906, as amended by PL 1993, c. 616, §11, is repealed and the following enacted in its place:

§1906. Fees

1. Filing; Secretary of State. For filing a lien or certificate or notice affecting any lien filed under this chapter, the fee is:

A. Fifteen dollars if the record is communicated in writing; and

B. Ten dollars if the record is communicated by another method or medium authorized by filing office rule.

2. Filing; registry of deeds. For filing a lien or certificate or notice affecting any lien filed under this chapter, the fee is governed by Title 33, sections 751 and 752.

The filing office receiving a filing under this subsection and subsection 1 shall bill the Internal Revenue Service or other federal agency on a monthly basis for the fees for liens, certificates or notice affecting any lien filed under this chapter.

3. Information; Secretary of State. For responding to a request for information from the filing office, including for communicating whether there is on file any lien, certificate or notice affecting any lien filed under this chapter naming a particular debtor, the fee is:

A. Twenty dollars if the record is communicated in writing; and

B. Twelve dollars if the record is communicated by another method or medium authorized by filing office rule.

The Secretary of State shall use the procedures set forth in Title 11, section 9-1523 to respond to a request for information from the filing office.

4. Information; registry of deeds. For responding to a request for information from the filing office, including for communicating whether there is on file any lien, certificate or notice affecting any lien filed under this chapter naming a particular debtor, the fee is governed by Title 33, section 751.

Sec. 7. 33 MRSA §1907, as enacted by PL 1989, c. 502, Pt. A, §121, is amended to read:

§1907. Uniformity of application and construction

This chapter ~~shall~~ must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it and to permit the filing office to use a filing system to record and maintain notices of liens, certificates and other notices affecting federal tax liens or other federal liens in a manner authorized by the filing office and to permit federal officials to file notices of liens, certificates and notices affecting those liens upon real or personal property for obligations payable to the United States under the filing system authorized by the filing office.

See title page for effective date.

CHAPTER 519

S.P. 621 - L.D. 1689

**An Act To Provide Reciprocal
Authority to New Hampshire Marine
Patrol Officers To Investigate
Potential Terrorist Activities in
Maine Waters**

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, New Hampshire grants Maine marine patrol officers the authority to enter New Hampshire waters of the Piscataqua River and Portsmouth Harbor to help secure New Hampshire from possible terrorist activities; and

Whereas, New Hampshire marine patrol officers must be able to work cooperatively with Maine marine patrol officers in Maine waters of the Piscataqua River and Portsmouth Harbor to help secure Maine from possible terrorist activities; and

Whereas, New Hampshire marine patrol officers currently have no authority to aid Maine marine patrol officers in the investigation and prevention of possible terrorist activities in Maine waters of the Piscataqua River and Portsmouth Harbor; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6025-A is enacted to read:

§6025-A. New Hampshire marine patrol

A member of the New Hampshire marine patrol who, in the course of patrolling the waters of the Piscataqua River or Portsmouth Harbor, observes activity that the officer reasonably suspects may result in loss of life, widespread injury or widespread and severe property damage has authority to enter Maine and has the same authority to investigate, detain and execute an arrest as a Maine marine patrol officer. When a member of the New Hampshire marine patrol is engaged in Maine in carrying out the purpose of this subsection, that member has all the same privileges and immunities as Maine marine patrol officers in addition to privileges and immunities available under New Hampshire law.