

**OFFICE OF THE SECRETARY OF STATE
BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS
DIVISION OF CORPORATIONS**

CHAPTER 401

**MODEL RULES FOR UNIFORM COMMERCIAL CODE
TITLE 11, ARTICLE 9-A**

TABLE OF CONTENTS

| | |
|---|-------|
| Section 1. General Provisions | 1 |
| 101. Definitions..... | 1 |
| 106. Delivery of UCC documents for filing..... | 2 |
| 107. Search request delivery..... | 3 |
| 108. Approved forms..... | 3 |
| 111. Filing fees..... | 3 |
| 112. Expedited services..... | 3 |
| 113. Methods of payment..... | 3 |
| 114. Overpayment and underpayment policies..... | 4 |
| 115. Public records services and fees..... | 4 |
| 117. New practices and technologies..... | 4 |
| Section 2. Acceptance and Refusal of UCC Documents | 5 |
| 200. Policy statement..... | 5 |
| 201. Duty to file..... | 5 |
| 202. Grounds for refusal of UCC documents..... | 5 |
| 205. Procedure upon refusal..... | 6 |
| 206. Acknowledgment..... | 6 |
| 207. Notification of defects..... | 6 |

| | | |
|-------------------|--|-----------|
| 208. | Refusal errors..... | 6 |
| | | |
| Section 3. | UCC Information Management System..... | 6 |
| 300. | Policy statement..... | 6 |
| 301. | Primary data elements..... | 6 |
| 302. | Names of debtors who are individuals..... | 7 |
| 303. | Names of debtors that are organizations..... | 8 |
| 304. | Names of debtors that are decedent estates..... | 8 |
| 305. | Names of debtors that are trusts..... | 9 |
| 306. | Status upon filing an initial financing statement..... | 9 |
| 307. | Status upon filing an amendment..... | 9 |
| 308. | Status upon assignment of powers of secured party of record..... | 10 |
| 309. | Status upon filing a continuation statement..... | 10 |
| 310. | Status of filing a termination statement..... | 11 |
| 311. | Status upon filing a correction statement..... | 11 |
| 312. | Procedure upon lapse..... | 11 |
| | | |
| Section 4. | Filing and Data Entry Procedures..... | 11 |
| 400. | Policy statement..... | 11 |
| 402. | Filing date..... | 11 |
| 403. | Filing time..... | 12 |
| 404. | Lapse date and time..... | 12 |
| 405. | Errors of the filing officer..... | 12 |
| 406. | Errors other than filing office errors..... | 12 |
| 407. | Data entry of names – designated fields..... | 12 |
| 410. | Creation of a record for an initial financing statement..... | 13 |

| | | |
|-------------------|---|-----------|
| 411. | Creation of a record for an amendment..... | 13 |
| 412. | Creation of a record for a correction statement..... | 13 |
| 417. | Notice of bankruptcy..... | 13 |
| Section 5. | Search Requests and Reports..... | 13 |
| 500. | General requirements..... | 13 |
| 501. | Required information for search requests..... | 13 |
| 502. | Optional information for search requests..... | 14 |
| 503. | Standardized search logic applied to search requests..... | 14 |
| 504. | Search responses..... | 16 |
| 506. | Expedited search services..... | 16 |

Section 1. General Provisions. For the purpose of these rules, the following terms shall have the respective meanings provided in this section. Terms not defined in this section that are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

101. Definitions.

- A.** “Amendment” means a UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuation and termination statements.
- B.** “Assignment” is an amendment that purports to reflect an assignment of all or a part of a secured party’s power to authorize an amendment to a financing statement.
- C.** “Continuation statement” shall have the meaning prescribed by 11 MRSA § 9-1102 (27).
- D.** “Correction statement” means a UCC document that indicates that a filing indexed in the filing office is inaccurate or wrongfully filed.
- E.** “Division” shall mean the UCC Filing Section of the Maine Secretary of State’s Bureau of Corporations, Elections and Commissions.
- F.** “Expedited request” shall mean the delivery of a request for an expedited search service on the form approved by the Secretary of State.
- G.** “File number” shall mean the unique number referenced in 11 MRSA § 9-1519 (1)(a), including any digit required by 11 MRSA § 9-1519(2).
- H.** “Filing office” and “filing officer” means the Office of the Secretary of State.
- I.** “Filing officer statement” means a statement entered into the filing office’s information system to correct an error by the filing office.
- J.** “Financing statement” shall have the meaning prescribed by 11 MRSA § 9-1102, (39).
- K.** “Immediate Expedited Service” shall mean the completion of a search request at the time the request is made. Availability of this service is dependent on staffing levels and may only be determined at the time the request is made.
- L.** “Individual” means a human being, or a decedent in the case of a debtor that is such decedent's estate.
- M.** “Initial financing statement” means a UCC document containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.
- N.** “Organization” means a person who is not an individual.

- O. “Person” shall have the meaning prescribed by 11 MRSA § 1-201(30).
- P. “Remitter” means a person who tenders a UCC document to the filing officer for filing, including a person who is a filer, or an agent of a filer who is responsible for tendering the document for filing. “Remitter” does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service (such as Federal Express, United Parcel Service, Airborne Express, etc.) but does include a service provider who acts as a filer's representative in the filing process.
- Q. “Secured party of record” shall have the meaning prescribed in 11 MRSA § 9-1511.
- R. “Termination statement” shall have the meaning prescribed by 11 MRSA § 9-1102 (79).
- S. “Twenty-four hour expedited service” shall mean the completion of a search request within twenty-four hours of receipt of the request, except in those cases where the twenty-four hour period includes a Saturday, Sunday, holiday or other day on which the Division is not open for business, in which case the twenty-four hour period shall be extended to the appropriate hour of the next succeeding day on which the Division is open for business.
- T. “UCC” means the Uniform Commercial Code as adopted in this state.
- U. “UCC document” means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.
- V. “UCC record” or “record” means information related to UCC documents that has been entered into the Division’s UCC information management system.

106. Delivery of UCC documents for filing. UCC documents may be tendered for filing at the filing office as follows:

- A. Personal delivery.** UCC documents may be personally delivered by the remitter to the filing office’s street address. The file time for a UCC document delivered by this method is when the filing office accepts delivery of the UCC document (even though the filing office may subsequently reject the UCC document for filing).
- B. Courier delivery** (such as Federal Express, United Parcel Service, Airborne Express, etc.). UCC documents may be delivered by courier to the filing office’s street address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the filing office may subsequently reject the UCC document for filing). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

C. United States Postal Service (USPS) delivery. UCC documents may be delivered by the USPS to the filing office's mailing address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the filing office may subsequently reject the UCC document for filing). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

D. Electronic delivery. The filing office may develop and authorize one or more methods of electronic delivery of UCC documents. Once developed, the filing office will permit transmissions of UCC documents through these authorized delivery methods. The file time for a UCC document delivered by one of these methods is the time that the filing office's system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

107. Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. Additionally, a search request may be delivered to the filing office by fax transmission. In Maine, the filing office will not accept a search request submitted on an initial financing statement (using item 7, a request for a search report) that is tendered for filing in writing. If the filer wishes to request a debtor name search, the filer must submit a separate UCC-11 Information Request for each debtor name to be searched as provided in section 5 of these rules.

108. Approved forms. The forms prescribed by 11 MRSA § 9-1521 shall be accepted by the filing office. Forms approved by the International Association of Corporation Administrators for use on July 1, 2001, and forms approved by the filing office, shall be accepted for use on or after July 1, 2001. Other forms will not be accepted by the filing office.

111. Filing fees. See 11 MRSA § 9-1525.

112. Expedited services. Expedited services are available for UCC search requests only, and requirements for such services are set forth in section 506 of these rules.

113. Methods of payment. Filing fees, fees for public records services and fees for search services may be paid by the following methods:

A. Cash. Payment in cash shall be accepted if paid in person at the filing office.

B. Checks. Personal checks, cashier's checks and money orders made payable to the filing office shall be accepted for payment if they are drawn on a financial institution acceptable to the filing office or if the drawer is acceptable to the filing office.

C. Debit and credit cards. The filing office shall accept payment by debit cards and credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the

card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment.

D. Subscription accounts. The Information Resource of Maine (InforME) may offer additional payment methods for its subscribers.

114. Overpayment and underpayment policies.

A. Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$5.00 to the remitter.

B. Underpayment. Upon receipt of a document with an insufficient fee, the filing officer shall return the document to the remitter as provided in section 205 of these rules.

115. Public records services and fees. Public records services include the following methods by which any member of the public may obtain copies of UCC records and data from the UCC information management system. Public record services do not include search requests as described in section 5 of these rules. The following methods are available for obtaining copies of UCC records and copies of data from the UCC information management system:

A. Bulk copies of records. Bulk copies of UCC records are available on CD-ROM or via ftp. The fee for obtaining UCC records by this method is \$.10 per record.

B. Data from the information management system. A list of available data elements from the UCC information management system, and the file layout of the data elements, are available from the filing office upon request. Extracts of data from the UCC information management system are available on CD-ROM or via ftp as follows:

1) Full extract. A bulk data extract of information from the UCC information management system is available on a weekly or on an as requested basis. The fee for obtaining UCC records by this method is \$600 per month or one-time download of the entire data file, plus \$600 per month or one-time download of the entire image file.

2) Update extracts. Updates of information from the UCC information management system are available on an as requested basis. Costs will vary based on the number of records requested via this method.

C. Direct on-line services. The filing office may develop and authorize on-line search services. Once developed, the filing office will make available a description and the cost of these services.

117. New practices and technologies. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and

practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible, be uniform with, technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.

Section 2. Acceptance and Refusal of UCC Documents

200. Policy statement. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:

- A.** Determine the legal sufficiency or insufficiency of a document.
- B.** Determine that a security interest in collateral exists or does not exist.
- C.** Determine that information in the document is correct or incorrect, in whole or in part.
- D.** Create a presumption that information in the document is correct or incorrect, in whole or in part.

201. Duty to file. Provided that there are no grounds to refuse to file the document under section 202 of these rules, a UCC document is filed upon its receipt by the filing officer and the filing officer shall promptly assign a file number to the UCC document and index it in the UCC information management system.

202. Grounds for refusal of UCC documents.

A. Statutory grounds for refusal. The filing office may refuse to file a UCC document pursuant to 11 MRSA § 9-1516.

B. Use of improper form. The filing office may refuse to file a UCC document submitted on a form that is not approved under section 108 of these rules.

C. Timeliness of continuation. The filing office may refuse to file a continuation statement that is not filed within 6 months of the expiration date of the initial financing statement as provided by 11 MRSA § 9-1516(2)(g). The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation statement may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse. The last day on which a continuation statement may be filed is the date upon which the financing statement lapses.

D. Illegible debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide notice to a remitter containing

the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.

- 205. Procedure upon refusal.** If the filing officer finds grounds to refuse to file a UCC document, the filing officer shall return the document to the remitter together with the filing fee. The filing office shall send a notice to a secured party or the remitter that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason for refusal to file the document under 11 MRSA § 9-1516 or section 202 of these rules. See 11 MRSA § 9-1520(2).
- 206. Acknowledgment.** At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall either send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing or, if such filer or remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter. For UCC documents not filed in paper or paper-based form, the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.
- 207. Notification of defects.** Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests solely with filers and remitters and the filing office bears no responsibility for such effectiveness.
- 208. Refusal errors.** If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused, the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing occurs. The filing officer will also file a filing officer statement that states the effective date and time of filing which shall be the date and time the UCC document was originally tendered for filing.

Section 3. UCC Information Management System

- 300. Policy statement.** The filing officer uses an information management system to store, index, and retrieve information relating to UCC documents. The information management system includes an index of the names of debtors named on financing statements and the index is maintained for public inspection. The rules in this section govern the UCC information management system.
- 301. Primary data elements.** The primary data elements used in the UCC information management system are the following:

A. Identification numbers.

1) Each initial financing statement is identified by its file number as described in section 101.G. of these rules. The identification number of the initial financing statement is stamped on written UCC documents or otherwise permanently associated with the record maintained in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising that record is maintained in this system. The same record number assigned to the initial financing statement identifies the record.

2) A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, all UCC records other than initial financing statements are linked to their related initial financing statement.

B. Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

C. Filing date and filing time. The filing date and filing time of UCC records are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

D. Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

E. Status of financing statement. In the information management system, each financing statement has a status of active or inactive. Active UCC records include all unexpired records and all expired records that have not reached the one-year anniversary of their lapse dates. Inactive filings include all expired filings that have reached the one-year anniversary of their lapse dates.

F. Page count. The total number of pages in a UCC document is maintained in the information management system.

G. Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in section 404 of these rules.

302. Names of debtors who are individuals. For the purpose of this rule, “individual” means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.

A. Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry

fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer must place the name of a debtor with a single name (e.g., “Cher”) in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

B. Titles and prefixes before names. Titles and prefixes, such as “doctor,” “reverend,” “Mr.,” and “Ms.,” should not be provided by the filer. However, as provided in section 407 of these rules, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

C. Titles and suffixes after names. Titles or indications of status such as “M.D.” and “esquire” are not part of an individual’s name and should not be provided by filers in UCC documents. Suffixes that indicate titles of lineage, such as “senior,” “junior,” “I,” “II,” and “III,” may be provided by filers and will be entered in the UCC information management system in the appropriate field designated for name suffixes. In either case, as provided in section 407 of these rules, the data will be entered into the information management system exactly as it appears.

D. Truncation of names. Individual name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- 1) First name: 20 characters.
- 2) Middle name: 20 characters.
- 3) Last name: 50 characters.
- 4) Suffix: 6 characters.

303. Names of debtors that are organizations. This rule applies to the name of an organization that is a debtor or a secured party on a UCC document.

A. Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

B. Truncation of names. The organization name field in the UCC database is fixed in length. The maximum length of the organization name field is 150 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

304. Names of debtors that are decedent estates. Although they are not human beings, decedent estates are treated as if the decedent were an individual debtor under section 302 of these rules.

305. Names of debtors that are trusts. If the trust is named in its organic record(s) (such as the trust agreement, will or other document(s) creating the trust and containing its terms), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor, and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under section 407 of these rules.

306. Status upon filing an initial financing statement.

A. Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if a UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

B. Status of debtor. The status of a debtor named on a UCC document shall be active and shall continue as active until one year after the financing statement lapses.

C. Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

307. Status upon filing an amendment.

A. Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

1) Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If an amendment is authorized by less than all of the secured parties (or by less than all the debtors in the case of an amendment that adds collateral), the amendment affects only the interests of each authorizing secured party (or debtor).

2) Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related

UCC records. Such an amendment affects only the rights of its authorizing secured party(ies).

3) Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

4) Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor of record on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the amendment.

5) Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party of record on the financing statement.

6) Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

7) Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

B. Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation statement may extend the period of effectiveness of a financing statement.

308. Status upon assignment of powers of secured party of record.

A. Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

B. Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

309. Status upon filing a continuation statement.

A. Continuation of lapse date. Upon the timely filing of one or more continuation statements by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

B. Status of parties. The filing of a continuation statement shall have no effect upon the status of any party to the financing statement.

C. Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

310. Status upon filing a termination statement.

A. Status of parties. The filing of a termination statement shall have no effect upon the status of any party to the financing statement.

B. Status of financing statement. A termination statement shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination statement relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

311. Status upon filing a correction statement.

A. Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

B. Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

312. Procedure upon lapse. If there is no timely filing of a continuation statement with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system will render or will be caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

Section 4. Filing and Data Entry Procedures

400. Policy statement. This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to promptly file a document that conforms to these rules and applicable laws. Except as provided in these rules, data is transferred from a UCC document to the UCC information management system exactly as the data is set forth in the document. No effort is made to detect or correct errors of any kind.

402. Filing date. The filing date of a UCC document is the date the UCC document is received in proper filing order together with the proper filing fee if the filing office is open to the public on that date. If the filing office is not so open on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 5:00 P.M. shall be deemed received on the following day. The filing officer may perform any duty relating to the UCC document on the filing date or on a date after the filing date.

- 403. Filing time.** The filing time of a UCC document is determined as provided in section 106 of these rules.
- 404. Lapse date and time.** A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a continuation statement is timely filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29th filing date shall be March 1st in the fifth year following the year of the filing date.
- 405. Errors of the filing officer.** The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification date, the filing officer shall file a filing officer statement in the UCC information management system identifying the UCC record to which it relates, the date of the correction, and explaining the nature of the corrective action taken. The UCC record shall be preserved as long as the UCC record of the initial financing statement is preserved in the UCC information management system.
- 406. Errors other than filing office errors.** An error by a filer is the responsibility of the filer. An error by the filer can be corrected by filing an amendment. Additionally, a debtor may file a correction statement to indicate that an error may exist in the filing.
- 407. Data entry of names - designated fields.** A filing must designate whether a name is a name of an individual or an organization. If the name is that of an individual, the filing should also designate the first, middle and last name and any suffix as described in section 302 of these rules. The following rules apply to the data entry of debtor names:
- A. Organization names.** Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.
- B. Individual names.** With respect to a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the UCC document.
- C. Designated fields required.** The filing office requires the use of forms that designate separate fields for individual and organization names and, for individual names, separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failure to transmit names accurately to the filing office may cause filings to be ineffective. All UCC documents transmitted in a method authorized in section 106.D of these rules will require the use designated name fields.

- 410. Creation of a record for an initial financing statement.** A new record is created in the UCC information management system for each initial financing statement. The record contains the primary data elements as described in section 301 of these rules. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until at least one year after the financing statement lapses.
- 411. Creation of a record for an amendment.** A record is created in the UCC information management system for each amendment. The record contains the primary data elements as described in section 301 of these rules. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the initial financing statement is retrieved.
- A.** The name and address of each additional debtor or secured party is entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and is not removed until at least one year after the financing statement lapses.
- B.** If the amendment is a continuation statement, a new lapse date is established for the financing statement and maintained as part of its record.
- 412. Creation of a record for a correction statement.** A record is created in the UCC information management system for each correction statement. The record contains the file number for the initial financing statement to which the correction statement relates, the file number for the UCC record that is the subject of the correction statement, the date and time of filing and the reason provided for the filing of the correction statement. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the initial financing statement is retrieved.
- 417. Notice of bankruptcy.** The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding.

Section 5. Search Requests and Reports

- 500. General requirements.** The filing officer maintains for public inspection a searchable index for all UCC records. The index shall provide for the retrieval of a UCC record by the name of the debtor and by the file number of the initial financing statement and each filed UCC record relating to the initial financing statement.
- 501. Required information for search requests.** A search request must be submitted on the National UCC-11 Information Request form and shall contain the information required by this section. The searcher must provide a separate UCC-11 form for each debtor name to be searched.

A. Name searched. A search request must set forth the name of the debtor to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted.

B. Requesting party. The name and address of the person to whom the search report is to be sent must be included on the search request.

C. Fees. The appropriate search fees pursuant to 11 MRSA § 9-1525, and, where applicable, any certification fee pursuant to 5 MRSA § 86, shall be enclosed, unless prior approval for credit and invoicing has been granted according to section 506.E of these rules. All fees shall payable by a method described in section 113 of these rules.

502. Optional information for search requests. A UCC search request may also contain any of the following information:

A. The request may limit the records requested to the city or town address of the debtor, the date of filing or a range of filing dates. A report created by the filing officer in response to such a request shall contain the statement “A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search.”

B. The request may ask for copies of UCC records identified on the search response.

C. Instructions on the mode of delivery desired, if other than by ordinary mail, will be honored if the requested mode is offered by the filing office.

503. Standardized search logic applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following search logic rules are applied to the name to conduct a search:

A. There is no limit to the number of matches that may be returned in response to the search criteria.

B. No distinction is made between upper and lower case letters.

C. A-Z, a-z and 0-9 are the characters that are regarded in the search and all other characters are disregarded. However, the symbol “&” will be converted to the word “and”.

D. Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded in the search. These ending words and abbreviations are set forth in the “Ending Noise Words” list as promulgated and adopted by the International Association of Corporation Administrators, and include the following:

| | |
|-------------------------------|--|
| Agency | Medical Doctors Professional Association |
| Association | MDPA |
| Assn | Medical Doctors Professional Corporation |
| Associates | MDPC |
| Assc | National Association |
| Assoc | NA |
| Attorney(s) at Law | Partners |
| Bank | Partnership |
| National Bank | Professional Association |
| Business Trust | Prof Assn |
| Charter | PA |
| Chartered | Professional Corporation |
| Company | Prof Corp |
| Co | PC |
| Corporation | Professional Limited Liability Company |
| Corp | Professional Limited Liability Co |
| Credit Union | PLLC |
| CU | Real Estate Investment Trust |
| Federal Savings Bank | REIT |
| FSB | Registered Limited Liability Partnership |
| General Partnership | RLLP |
| Gen part | Savings Association |
| GP | SA |
| Incorporated | Service Corporation |
| Inc | SC |
| Limited | Sole Proprietorship |
| Ltd | SP |
| Ltee | SPA |
| Limited Liability Company | Trust |
| LC | Trustee |
| LLC | As Trustee |
| Limited Liability Partnership | LP |
| LLP | Limited Partnership |

E. The word "the" at the beginning of the organizational debtor name is disregarded.

F. All spaces are disregarded.

G. For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field or no name or initial in the middle name field. Additionally, a search request for "John Smith" (first and last names with no designation in the middle name field), would cause the search to retrieve all filings against individual debtors with "John" or the initial J as the first name, "Smith" as the last name and any name or initial or no name or initial in the middle name field.

H. After using the preceding rules to modify the name to be searched, the search results will be limited by omitting all lapsed filings unless the search request explicitly states that lapsed filings are to be included in the search results.

504. Search responses. Reports created in response to a search request shall include the following:

A. Filing officer. Identification of the filing officer and the certification of the filing officer required by law.

B. Report date. The date the report was generated.

C. Name searched. Identification of the name searched.

D. Certification date. The certification date and time for which the search is effective.

E. Identification of initial financing statements. Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time. If requested by the searcher and available on the index, lapsed filings will be identified on the search report.

F. History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.

G. Copies. Copies of all UCC records revealed by the search and requested by the searcher.

506. Expedited Search Services. The following information, instructions and fees are applicable to expedited requests for search services.

A. Fees for Expedited Search Services

1) The fee for a twenty-four hour expedited service shall be \$10.00 per debtor requested.

2) The fee for an immediate expedited service shall be \$25.00 per debtor requested.

B. Acting upon Request. If a request for a debtor search has been completed and the information forwarded to the requesting party, the request shall be considered to have been acted upon.

C. Refunds of Expedited Search Services Fees

- 1) The expedited search service fees will be refunded only if the Division is unable to perform the service within the time frame prescribed by these rules and the reason can be deemed to be the fault of the Division.
- 2) Lack of sufficient information to complete the request shall be deemed the fault of the requesting party and not of the Division and the fee for the expedited search service shall be forfeited.

D. Form of Expedited Requests

- 1) All expedited requests shall be made in writing using the National UCC-11 Information Request form or another form approved by the Secretary of State.
- 2) An expedited request shall be accompanied by the appropriate fee for expedited service, unless prior approval for credit and invoicing has been granted according to section 506.E of these rules. All fees shall be payable by a method described in section 113 of these rules.

E. Application for Credit and Invoicing. Frequent customers of the Division may request and receive permission to be invoiced for expedited search services and search fees by completing and submitting to the Division an Application for Credit and Invoicing. Such customers will receive an invoice from the filing office for any search or expedited requests and must submit payment, using a method described in section 113 of these rules, no later than 30 days after receipt of the invoice.

F. Delivery of expedited request.

- 1) **Delivery by mail.** All requests made in this manner shall be addressed to the Bureau of Corporations, Elections and Commissions, UCC Filing Section, 101 State House Station, Augusta, Maine 04333-0101. Each request shall be stamped with the date and the hour received by the filing office, at which time the period for performance by the Division shall commence.
- 2) **Delivery by courier.** All requests made in this manner shall be delivered to the Bureau of Corporations, Elections and Commissions, UCC Filing Section, Burton M. Cross State Office Building, 109 Sewall Street, 4th floor, Augusta, ME 04330. Each request shall be stamped with the date and the hour received by the filing office, at which time the period for performance by the Division shall commence.
- 3) **Personal delivery.** All requests made in this manner shall be delivered to the Bureau of Corporations, Elections and Commissions, UCC Filing Section, Burton M. Cross State Office Building, 109 Sewall Street, 4th floor, Augusta, ME 04330. Each request shall be stamped with the date and the hour received by the filing office, at which time the period for performance by the Division shall commence. The Division shall accept requests delivered by this method between the hours of 9 a.m. and 4 p.m. on days which the Division is open for business.