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SUPERINTENDENT



DEPARTMENT OF BUSINESS REGULATION  
BUREAU OF CONSUMER PROTECTION  
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ADVISORY RULING #37  
JULY 7, 1978

(Formerly Advisory Ruling #1)

July 7, 1978

RE: Filing Fee Requirements 11, M.R.S.A., Section 9-302 Uniform Commercial Code

The purpose of this ruling is to alert you, a creditor under the Maine Consumer Credit Code to certain changes to filing requirements under the Uniform Commercial Code and the Bureau's position with regard to creditors that may have filed unnecessarily since the change became effective.

Subsection 1 of Section 9-302 of Title 11 was amended, effective January 1, 1978 to the effect that a creditor does not have to file a financing statement to perfect a security interest in a purchase money security interest in consumer goods where the amount financed is less than \$1,000. A copy of the amendment is enclosed.

We have been advised by the Deputy Secretary of State that her office is currently receiving filings, together with the fees from numerous creditors in which it is deduced that the amounts financed are undoubtedly less than \$1,000. The consumer goods listed on the financing statements in those instances are usually goods that sell for considerably less than \$1,000. As the amount financed is not required to be shown on the financing statements, it is not possible for her office to accurately determine the filings which would be for less than \$1,000.

You are urged to review the amendment and institute changes in your filing practices if you haven't already done so, to insure that the consumer does not pay for a filing fee that is not required.

The Maine Consumer Credit Code does authorize a creditor to contract for "official fees" prescribed by law for perfecting a security interest in a consumer credit transaction. However, it is the Bureau's interpretation of this provision that a fee of this type collected on amounts financed of less than \$1,000 subsequent to January 1, 1978 is not an "official fee" nor would such a fee be authorized under our law as "other charges". The basis for this advisory ruling is that fees for filings which are no longer required by law to perfect security interests should not be directly or indirectly charged to the borrower/consumer.

Inasmuch as the practice may be widespread, the Bureau will immediately commence proceedings to promulgate an official Bureau Rule on this subject and set forth Bureau criteria outlining a refunding program.

/s/ Harry W. Giddinge  
Harry W. Giddinge  
Deputy Superintendent