

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

confined in its operation to the clause, sentence or provisions of said sections 39-A, 39-B and 39-C directly involved in the controversy in which such adjudication shall have taken place."

Central Maine Power Company authorized.—Section 3 of P. L. 1959, c. 325, provided that: "In accordance with the Revised Statutes of 1954, chapter 180, section 39-C, Central Maine Power Company, a public utility corporation duly organized and existing under the laws of the state of Maine, is authorized and empowered under said Revised Statutes, chapter 180, sections 39-A and 39-B, and the rights and

benefits set forth therein, to build, maintain and operate a pump storage development, so called, at Clear and Rowe Ponds, in the Plantation of Pleasant Ridge, county of Somerset and state of Maine, for the purpose of generating electric energy for public uses by augmenting the supply of water stored and retained from the natural drainage area of said ponds by pumping water from Wyman Lake, so called, into the reservoir created at said ponds by means of a penstock, conduit, tunnel or canal, all in the manner and subject to the limitations prescribed in said Revised Statutes, chapter 180, sections 39-A and 39-B."

Sec. 39-B. Authorized to acquire lands and rights-of-way for pipes, conduits, penstocks, tunnels and canals by eminent domain; assessment of damages.—Any person, firm or corporation authorized and empowered to build, maintain and operate pipes, conduits, penstocks, tunnels and canals under section 39-A is further authorized and empowered to exercise the right of eminent domain by taking and holding as for public uses in the manner and subject to the limitations prescribed in chapter 52, section 12, such lands and rights-of-way as such person, firm or corporation may require for such purposes when the water which will be stored, retained and discharged through the use of such pipes, conduits, penstocks, tunnels and canals will be devoted to public uses. All proceedings relating to damages caused by the building, maintaining and operating of said pipes, conduits, penstocks, tunnels and canals shall be ascertained and determined in the same manner as prescribed in said chapter 52, sections 13 to 22. (1959, c. 325, § 1.)

Cross reference.—See note to § 39-A.

Sec. 39-C. Authorization required.—Any person, firm or corporation authorized and empowered to augment stored water by pumping or otherwise under section 39-A and acquire by eminent domain for public uses, lands and rights-of-way for pipes, conduits, penstocks, tunnels and canals under section 39-B, is authorized and empowered to exercise the rights and benefits under this chapter, as amended, but only when such person, firm or corporation shall have received the necessary authority by legislative act. (1959, c. 325, § 1.)

Cross reference.—See note to § 39-A.

Chapter 181.

Principals. Agents. Factors. Partnerships.

Factors and Agents.

Sec. 4. Factors' liens.—If so provided by any written agreement, all factors shall have a continuing general lien upon all materials, goods in process and merchandise from time to time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not, and upon the proceeds resulting from the sale or other disposition of such materials, goods in process and merchandise, for all their loans and advances to or for the account of the person creating the lien, hereinafter called the borrower, together with interest thereon, and also for the commissions, obligations, indebtedness, charges and expenses properly chargeable against or due from said borrower and for the amounts due or owing upon any notes or other obligations given to or received by them for or upon account of any such loans or advances, interest,

commissions, obligations, indebtedness, charges and expenses, and such lien shall be valid from the time of filing the notice hereinafter referred to, whether such materials, goods in process or merchandise shall be in existence at the time of the agreement creating the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower; provided that a notice of the lien is filed stating:

(1955, c. 25, § 1.)

Effect of amendment.—The 1955 amendment deleted, near the end of the opening paragraph of this section, a proviso relating to posting the name of the factor, and a designation of him as factor, on the

premises where the materials, etc., subject to the lien are located. As only the opening paragraph of the section was changed by the amendment, subsections I, II and III are not set out.

Sec. 6. Effect of recording.—Such notice may be recorded at any time after the making of the agreement and shall be effectual from the time of the recording thereof as against all claims of unsecured creditors of the borrower and as against subsequent liens of creditors, except that if, pursuant to the laws of this state, a lien should subsequently attach to the materials, goods in process or merchandise in favor of a processor, dyer, mechanic or other artisan, then the lien of the factor on such materials, goods in process or merchandise shall be subject to such subsequent lien. When materials, goods in process or merchandise subject to the lien provided for by sections 4 to 11, inclusive, are sold in the ordinary course of the business of the borrower, such lien, whether or not the purchaser has knowledge of the existence thereof, shall terminate as to the materials, goods in process or merchandise and shall attach without further act, writing or formality to the accounts receivable or proceeds of such sale in the hands of the borrower. (1945, c. 79. 1955, c. 25, § 2.)

Effect of amendment.—The 1955 amendment substituted, at the end of the second sentence, the words "without further act, writing or formality to the accounts re-

ceivable or proceeds of such sale in the hands of the borrower" for the words "to the proceeds of such sale in the hands of the borrower."

Sec. 9. Common law lien.—When any factor, or any third party for the account of any such factor, shall have possession of materials, goods in process or merchandise, such factor shall have a continuing general lien, as set forth in section 4, without recording the notice provided for in sections 4 to 11, inclusive. (1945, c. 79. 1955, c. 25, § 3.)

Effect of amendment.—The 1955 amendment deleted the words "and posting the

sign" before the word "provided" near the end of the section.

Sec. 10. Definitions.—The terms "factor" and "factors", wherever used in sections 4 to 11, mean persons, firms, banks and corporations, and their successors in interest, who purchase or lend on the security of materials, goods in process or merchandise, whether or not they are employed to sell such materials, goods in process or merchandise. The term "merchandise" wherever used in sections 4 to 11 shall mean any and all goods, wares and materials, raw, wrought or in process, including the products of agriculture. (1945, c. 79. 1959, c. 14.)

Effect of amendment.—The 1959 amendment added "including the products of agriculture" at the end of this section.

Publicity of Mercantile Partnerships.

Sec. 13. Sale proprietor to file certificate when adopting any business name or style other than own name.

Stated in *Globe Slicing Machine Co. v. Casco Bank & Trust Co.*, 154 Me. 59, 142 A. (2d) 30.