

# MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

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Legislative Document

No. 367

H. P. 253

House of Representatives, January 17, 1961

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Minsky of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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**AN ACT Relating to Recording of Conditional Sales.**

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

**Sec. 1. R. S., c. 119, § 9, amended.** The first paragraph of section 9 of chapter 119 of the Revised Statutes is amended to read as follows:

'No agreement, that personal property bargained and delivered to another shall remain the property of the seller till paid for is valid unless the same is in writing and signed by the person to be bound thereby; ~~and when.~~ **When** so made and signed, whether said agreement is or is called a note, lease, conditional sale, purchase on installments or by any other name, and in whatever form it may be, it shall not be valid except as between the original parties thereto, unless it or a memorandum thereof is recorded in the office of the clerk of the ~~city, town or plantation organized for any purpose,~~ **municipality** in which the purchaser resides at the time of the purchase, **within 20 days from the date of sale stated therein, or, when not so stated, then from the date of execution and delivery of the same;** but if any of the purchasers are not residents of the State or reside in an unorganized place in the State, then in the registry of deeds in the county where the seller resides at the time of the sale. The fee for recording the same shall be the same as that for recording mortgages of personal property. All such property, whether said agreements are recorded or not, shall be subject to redemption and to trustee process as provided in ~~section 50 of~~ chapter 114, **section 50**, but the title may be foreclosed in the same manner as is provided for mortgages of personal property.'

**Sec. 2. R. S., c. 119, § 9, amended.** Section 9 of chapter 119 of the Revised Statutes, as amended by chapter 283 of the public laws of 1957, is further amended by adding after the first paragraph, a new paragraph, as follows:

'If repossession is made or the instrument or a memorandum thereof is recorded subsequent to the said 20-day period, it shall be valid against mortgages, assignments and bills of sale executed and delivered subsequent to the recording, and also against attachments made subsequent thereto, based upon causes of action arising subsequent thereto, and also against trustees in bankruptcy and common law assignees, for far as relates to claims accruing subsequent thereto.'