

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 496**

H. P. 381

House of Representatives, February 2, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Carter of Winslow.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Defenses on Retail Installment Sales Agreements.**

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

Whereas, due to the increase in retail sales agreements, many people in Maine have found themselves in positions which have harmed them financially; and

Whereas, the following legislation is vitally necessary to protect such people by providing that the holder of such agreement shall be subject to the same defenses which the buyer may have against the seller; 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:

**R. S., T. 11, § 2-617, additional.** Title 11 of the Revised Statutes is amended by adding a new section 2-617, to read as follows:

**§ 2-617. Defenses on retail installment sales agreements**

**The holder of a retail installment sale agreement, or other person acting in his behalf, shall be subject to all defenses, real and personal, which the installment buyer may have against the installment seller thereof.**

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

**STATEMENT OF FACT**

The purpose of this bill is reflected in the emergency preamble.