

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2219

H.P. 1606

House of Representatives, January 24, 1990

Approved by introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GWADOSKY of Fairfield.

Cosponsored by Senator MATTHEWS of Kennebec, Representative GURNEY of Portland and Representative SHELTRA of Biddeford.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act Concerning the Bulk Transfer Provisions of the Uniform  
Commercial Code.**

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

4 **11 MRSA §6-102, sub-§(3) is amended to read:**

6 (3) The enterprises subject to this Article are all those  
8 whose principal business is the sale of merchandise from stock,  
including hotels, restaurants and other enterprises that serve  
food and those who enterprises that manufacture what they sell.

10 **STATEMENT OF FACT**

12  
14 Currently, wholesalers of food and other supplies to  
16 restaurants and hotels are not protected by the bulk transfer  
18 provisions of the Uniform Commercial Code. Hotel and restaurant  
20 owners are not required to notify wholesalers of the sale of  
22 their businesses. A number of wholesalers have lost money as a  
24 result of the sale of restaurants and hotels to new owners and  
the failure of the previous owners to pay money owed the  
wholesalers who have no recourse against the purchasers of the  
restaurants or hotels.

This bill includes hotels and restaurants under the bulk  
transfer provisions and is modeled after New Hampshire's bulk  
transfer law.