

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 970

S. P. 378

In Senate, March 6, 1945.

Reported by Senator Dunbar of Washington from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to the Assignment of Accounts Receivable.

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

R. S., c. 100, 170-A, 170-B, 170-C, additional. Chapter 100 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 170-A, 170-B and 170-C, to read as follows:

'Sec. 170-A. Assignment of accounts. Every written assignment made in good faith, whether in the nature of a sale, pledge or other transfer, of an account receivable or of an amount due or to become due on an open account or on a contract, all hereinafter called "account," with or without the giving of notice of such assignment to the debtor shall be valid, legal and complete at the time of the making of such assignment, and shall be deemed to have been fully perfected at that time. Thereafter, no bona fide purchaser from the assignor, no creditor of any kind of the assignor, and no other assignee or transferee of the assignor, in any event shall have or be deemed to have acquired any right in the account so transferred or in the proceeds thereof or in any obligation substituted therefor, which in any way shall effect the rights therein of the original assignee. In any case where, acting without knowledge of such assignment, the debtor in good faith pays, or otherwise satisfies, all or part of such account to the assignor,

or to such creditor, subsequent purchaser, or other assignee or transferee, such payment, or satisfaction, shall be acquittance to the debtor to the extent thereof, and such assignor, creditor, subsequent purchaser, or other assignee or transferee shall be a trustee of any sums so paid and shall be accountable and liable to the original assignee therefor.'

'Sec. 170-B. Returned property; adjustments. If, in the case of any assigned account, merchandise sold, or any part thereof, is returned to or recovered by the assignor from the account debtor and is thereafter dealt with by the assignor as his own property, said assignor shall hold such returned goods, or any such goods as may be recovered by him, and every part thereof, in trust for the benefit of said assignee, or if the assignor grants credits, allowances or adjustments to the account debtor, the right to or lien of the assignee upon any balance remaining owing on such account and his right to or lien upon any other account assigned to him by the assignor shall not be invalidated, irrespective of whether the assignee shall have consented to, or acquiesced in, such acts of the assignor.'

'Sec. 170-C. Limitation. Notwithstanding the provisions of any general or special law, the provisions of sections 170-A, 170-B and 170-C shall control, except as to transactions occurring before the provisions of sections 170-A, 170-B and 170-C take effect, and except that the provisions of sections 170-A, 170-B and 170-C shall not be construed to alter or affect existing law with respect to the transfer of negotiable instruments, or to affect the liens of factors acquired through the provisions of sections 3-A to 3-H, inclusive, of chapter 167.'