

MAINE STATE LEGISLATURE

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PART 4

WAREHOUSE RECEIPTS AND BILLS OF LADING: GENERAL OBLIGATIONS

Sec.

- 7-401. Irregularities in issue of receipt or bill or conduct of issuer.
7-402. Duplicate receipt or bill; overissue.
7-403. Obligation of warehouseman or carrier to deliver; excuse.
7-404. No liability for good faith delivery pursuant to receipt or bill.

§ 7-401. Irregularities in issue of receipt or bill or conduct of issuer

The obligations imposed by this Article on an issuer apply to a document of title regardless of the fact that

- (1) The document may not comply with the requirements of this Article or of any other law or regulation regarding its issue, form or content; or
- (2) The issuer may have violated laws regulating the conduct of his business; or
- (3) The goods covered by the document were owned by the bailee at the time the document was issued; or
- (4) The person issuing the document does not come within the definition of warehouseman, if it purports to be a warehouse receipt.

1963, c. 362, § 1.

§ 7-402. Duplicate receipt or bill; overissue

Neither a duplicate nor any other document of title purporting to cover goods already represented by an outstanding document of the same issuer confers any right in the goods, except as provided in the case of bills in a set, overissue of documents for fungible goods and substitutes for lost, stolen or destroyed documents. But the issuer is liable for damages caused by his overissue or failure to identify a duplicate document as such by conspicuous notation on its face.

1963, c. 362, § 1.

§ 7-403. Obligation of warehouseman or carrier to deliver; excuse

(1) The bailee must deliver the goods to a person entitled under the document who complies with subsections (2) and (3), unless and to the extent that the bailee establishes any of the following:

- (a) Delivery of the goods to a person whose receipt was rightful as against the claimant;
- (b) Damage to or delay, loss or destruction of the goods for which the bailee is not liable;
- (c) Previous sale or other disposition of the goods in lawful enforcement of a lien or on warehouseman's lawful termination of storage;
- (d) The exercise by a seller of his right to stop delivery pursuant to the provisions of the Article on sales (section 2-705);
- (e) A diversion, reconsignment or other disposition pursuant to the provisions of this Article (section 7-303) or tariff regulating such right;
- (f) Release, satisfaction or any other fact affording a personal defense against the claimant;
- (g) Any other lawful excuse.

(2) A person claiming goods covered by a document of title must satisfy the bailee's lien where the bailee so requests or where the bailee is prohibited by law from delivering the goods until the charges are paid.

(3) Unless the person claiming is one against whom the document confers no right under section 7-503, subsection (1), he must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods and the bailee must cancel the document or conspicuously note the partial delivery thereon or be liable to any person to whom the document is duly negotiated.

(4) "Person entitled under the document" means holder in the case of a negotiable document or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a nonnegotiable document.

1963, c. 362, § 1.

§ 7-404. No liability for good faith delivery pursuant to receipt or bill

A bailee who in good faith including observance of reasonable commercial standards has received goods and delivered or otherwise disposed of them according to the terms of the document of title or pursuant to this Article is not liable therefor. This rule applies even though the person from whom he received the goods had no authority to procure the document or to dispose of the goods and even though the person to whom he delivered the goods had no authority to receive them.

1963, c. 362, § 1.