

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
104th LEGISLATURE

COMMITTEE AMENDMENT " A " to H. P. 563, L. D. 744, Bill, "AN  
ACT Relating to Credit Card Crimes."

Amend said Bill by striking out all of section 1 and inserting  
in place thereof the following:

'Sec. 1. R. S., T. 17, §§1621 - 1622, amended. Sections 1621  
and 1622 of Title 17 of the Revised Statutes are amended to read as  
follows:

§ 1621. Use of false or unauthorized credit devices

Any person who knowingly obtains or attempts to obtain credit,  
~~or-purchases-or-attempts-to-purchase-any-goods,-property~~ or telephone  
service, by the use of any false, fictitious or counterfeit ~~credit~~  
~~card,-credit-number,~~ telephone number or other credit device, or  
by the use of any ~~credit-card,-credit-number,~~ telephone number or  
other credit device of another without the authority of the person  
to whom such ~~card,~~ number or device was issued, or by the use of any  
~~credit-card,-credit-number,~~ telephone number or other credit device  
in any case where such ~~card,~~ number or device has been revoked and  
notice of revocation, as provided in section 1622, has been given to  
the person to whom issued, shall be punished by a fine of not more  
than ~~\$100~~ \$1,000, or by imprisonment for not more than one year  
by both.

(Over)

*(Filing No. H-490)*

§ 1622. Notice of credit revocation

The word "notice" as used in section 1621 includes either notice given in person or notice given in writing to the person to whom the credit-card number or device was issued. The sending of a notice in writing by registered or certified mail, duly stamped and addressed to the person at his last address known to the issuer, shall be prima facie evidence that such notice was duly received.'

Further amend said Bill in section 2 by striking out all of the amending clause (same in L.D.) and inserting in place thereof the following:

'Sec. 2. R. S., T. 17, §§ 1624-1635, additional. Title 17 of the Revised Statutes is amended by adding 12 new sections, 1624-1635, to read as follows:'

Further amend said Bill in section 2 by adding at the end of that part designated "§1624" the following underlined subsection:

'8. Unauthorized use. "Unauthorized use" means a use of a credit card by a person other than the cardholder who does not have actual, implied or apparent authority for such use and from which the cardholder receives no benefit.'

Further amend said Bill in section 2 by adding at the end (same in L.D.) the following underlined section:

'§ 1635. Civil liability

A provision imposing liability on a cardholder for the unauthorized use of a credit card shall be effective only if:

1. Liability imposed. The liability imposed is not in excess of \$100;

(Cont'd)

*(Filing No. H-496)*

2. Adequate notice. The card issuer gives adequate notice to the cardholder of the potential liability;

3. Unauthorized use. The unauthorized use occurs before the cardholder has notified the card issuer of the loss or theft of the card or of any unauthorized use; and

4. Identification. The card issuer has provided a method whereby the user of the credit card can be identified as the person authorized to use it, including without limitation a place on the card for the photo or signature of the holder.

Except as otherwise provided in this section, a cardholder incurs no liability from the unauthorized use of either an accepted or an unaccepted credit card.'

Further amend said Bill in section 2 by striking out in the last line of subsection 1 of that part designated "§ 1633" (same in L.D.) the underlined words "one year" and inserting in place thereof the underlined words '11 months'

Reported by the Committee on Legal Affairs.

Reproduced and distributed under the direction of the Clerk of the House.

(Filing No. H-490)

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