

MAINE STATE LEGISLATURE

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(New Draft of S.P. 288, L.D. 876)
(New Title)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1435

S.P. 471

In Senate, April 7, 1983

Reported by Senator Trafton of Androscoggin from the Committee on
Judiciary and printed under Joint Rule 2. Original bill sponsored by Senator
Trafton of Androscoggin.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT Concerning the Penalties for
Negotiating a Worthless Instrument.

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

Sec. 1. 17-A MRSA §708, sub-§3-A is enacted to
read:

3-A. Amounts of face value of negotiable instru-
ments involved in violations of this section commit-
ted pursuant to one scheme or course of conduct,
whether the instruments were issued or negotiated to
the same person or several persons, may be aggregated
to charge a single violation of this section of
appropriate class. Subject to the requirement that
the conduct of the defense shall not be prejudiced by
lack of fair notice or by surprise, the court may at

1 any time order that a single aggregated count be con-
2 sidered as separate violations of this section. No
3 aggregated count of violations of this section may be
4 deemed duplicitous because of such an order and no
5 election may be required. Prosecution may be brought
6 in any venue in which one of the violations of this
7 section which have been aggregated was committed.

8 Sec. 2. 17-A MRSA §708, sub-§4, as repealed and
9 replaced by PL 1981, c. 317, §22, is repealed and the
10 following enacted in its place:

11 4. Violation of this section is:

12 A. A Class B crime, if the face value of the
13 negotiable instrument exceeds \$5,000;

14 B. A Class C crime, if:

15 (1) The face value of the negotiable
16 instrument exceeds \$1,000 but does not
17 exceed \$5,000; or

18 (2) The actor has 2 prior convictions for
19 any combination of theft, a violation of
20 section 702, 703 or this section, or
21 attempts thereat. Determination of whether
22 a conviction constitutes a prior conviction
23 for purposes of this subsection shall be
24 pursuant to section 362, subsection 3, para-
25 graph C;

26 C. A Class D crime, if the face value of the
27 negotiable instrument exceeds \$500 but does not
28 exceed \$1,000; or

29 D. A Class E crime, if the face value of the
30 negotiable instrument does not exceed \$500.

31 STATEMENT OF FACT

32 This new draft eliminated the provisions in the
33 original bill concerning vehicular manslaughter pen-
34 alties. That issue will be addressed in other legis-
35 lation. This new draft then contains section 2 of
36 the original bill (section 2 of this new draft) and a
37 new provision in section 1 of this new draft.

The purpose of section 1 is to add a provision for aggregating face value amounts of worthless negotiable instruments issued or negotiated in violation of Title 17-A, section 708. This provision for aggregation is patterned after a similar one set forth for the theft crimes.

Aggregation permits the face values of more than one worthless instrument negotiated or issued as a part of the same scheme or course of conduct to be added together. The offender may then be charged with the class of crime that applies to the aggregated amount. For example, a person who writes 2 bad \$500 checks as part of a scheme may be charged, with the aggregation provision, with one Class D crime rather than 2 Class E crimes.

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