

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1854

6
7 H.P. 1319

House of Representatives, January 15, 1986

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

9 Reference to the Committee on Business and Commerce suggested and
ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Regulate Funds Availability for
18 Items Deposited in an Account with a
19 Financial Institution.
20

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

23 9-B MRSA §241, sub-§5 is enacted to read:

24 5. Availability of funds for items deposited.
25 With respect to items deposited into an account, fi-
26 ancial institutions authorized to do business in
27 this State shall make those funds available for with-
28 drawal from that account within a reasonable time.
29 The superintendent may promulgate rules setting forth
30 limitations and disclosure requirements governing
31 funds availability. For purposes of this section,
32 account means a checking account or any other
33 transactional account, a savings account or a time
34 account.

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STATEMENT OF FACT

2 Delayed availability, the practice of financial
3 institutions limiting a customer's ability to with-
4 draw funds which have been deposited by check, has
5 become an issue of concern. The practice of delaying
6 availability beyond a reasonable time and in a manner
7 which is not properly disclosed creates problems for
8 consumers. This bill requires financial institutions
9 to make funds available within a reasonable time.
10 The superintendent may promulgate rules which will
11 set forth maximum time frames and provide for proper
12 methods of disclosure of funds availability policies.
13 Other states have enacted similar legislation and
14 federal financial regulatory agencies have adopted a
15 uniform policy statement containing guidelines re-
16 garding funds availability. A reasonable time might
17 be when the item is paid.

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