

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 880

H.P. 652 House of Representatives, March 23, 1987
Reference to the Committee on Banking and Insurance
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative DELLERT of Gardiner.

Cosponsored by Representatives STANLEY of Cumberland,
TELOW of Lewiston and Senator DILLENBACK of Cumberland.

STATE OF MAINE

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

AN ACT to Implement Civil Penalties for
Passing Worthless Instruments.

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

14 MRSA c. 712 is enacted to read:

CHAPTER 712

CIVIL LIABILITY FOR BAD CHECKS

§6071. Civil penalties for bad checks

1. Recovery of costs. In any action against a
person who makes, issues or draws any check, draft or
order for the payment of money which has been dishon-
ored for lack of funds or credit to pay the check,

1 draft or order, or because the maker, issuer or draw-
2 er has no account with the drawee, the holder may re-
3 cover from the maker, issuer or drawer the amount of
4 the check, draft or order, plus the court costs, ser-
5 vice costs and collection costs incurred by the hold-
6 er. The amount of the check, draft or order, plus
7 the enumerated costs, may be recovered only if:

8 A. The holder gives notice pursuant to section
9 6073 for payment of the check, draft or order;
10 and

11 B. The maker, issuer or drawer fails to tender
12 an amount equal to the amount of the check, draft
13 or order, plus bank fees and mailing costs within
14 10 days of receiving the notice set forth in sec-
15 tion 6072.

16 2. Failure to make restitution. If a judgment
17 is made against a maker, issuer or drawer pursuant to
18 subsection 1, paragraphs A and B and he fails to make
19 restitution on the date of judgment, he shall pay to
20 the holder interest at the rate of 12% per annum from
21 the date of dishonor and the collection costs not to
22 exceed \$40 or the face amount of the check whichever
23 is the lesser. In addition, in the event of court
24 action, the court after such notice and the expira-
25 tion of the 10 days, shall award a reasonable attor-
26 neys fee.

27 §6072. Satisfaction of claim

28 1. Satisfaction of claim. Subsequent to the com-
29 menement of the action, but prior to the hearing,
30 the defendant may tender to the plaintiff, as satis-
31 faction of the claim, an amount of money equal to the
32 amount of the check, draft or order; a reasonable
33 handling fee; accrued interest; collection costs
34 equal to the face amount of the check, draft or order
35 not to exceed \$40; and the incurred court and service
36 costs.

37 2. Small claims action. An action under this
38 section may be brought as a small claims action if
39 the amount claimed does not exceed the jurisdictional
40 limits for small claims action or may be brought in
41 any other court that has jurisdiction.

1 §6073. Notice for nonpayment

2 The notice shall be in substantially the same
3 form:

4 A check, draft or order by you and made payable
5 to in the amount of has
6 not been accepted for payment by
7 which is the drawee bank
8 designated on your check. The check is dated
9 and it is numbered No.

10 Your are CAUTIONED that unless you pay the amount
11 of this check within 10 days after the date this let-
12 ter is postmarked, you may have to pay the following
13 additional costs:

- 14 1. Attorney fees. Attorney fees;
- 15 2. Service costs. Service costs; and
- 16 3. Interest. Interest.

17 You are advised to make payment to
18 at the following ad-
19 dress.

20 STATEMENT OF FACT

21 This bill attempts to make whole the individual
22 who has exchanged value for worthless paper, by
23 awarding the successful plaintiff not only the face
24 amount of the obligation, but also those incidents of
25 the action which, if not awarded, would leave him
26 with a loss.

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