

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 856

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S.P. 319

In Senate, March 21, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator WEYMOUTH of Kennebec.

Cosponsored by Representative DELLERT of Gardiner, Representative PARADIS of Augusta and Representative STEVENS of Sabattus.

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STATE OF MAINE

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

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An Act Regarding Negotiation of a Worthless Instrument.

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

3               **Sec. 1. 30-A MRSA §403-A** is enacted to read:

5       **§403-A. Service of notice of dishonor**

7               A sheriff or deputy sheriff may serve the notice of dishonor  
9       provided for by Title 11, section 3-508.

11              **Sec. 2. 30-A MRSA §2671, sub-§2**, as enacted by PL 1987, c.  
13       737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6,  
15       is further amended to read:

17              **2. Powers.** Police officers may serve the notice provided  
19       for by Title 11, section 3-508, criminal and traffic infraction  
21       processes and arrest and prosecute offenders of the law. A  
23       police officer has all the statutory powers of a constable,  
25       unless limited by charter or ordinance. No police officer has  
27       any authority in criminal or traffic infraction matters beyond  
29       the limits of the municipality in which the officer is appointed,  
31       except to:

33              A. Recapture a prisoner whom the officer has arrested and  
35       who has escaped;

37              B. Take a person before the District Court;

39              C. Execute a mittimus given to the officer by the District  
41       Court;

43              D. Pursue a person who has gone into another municipality  
45       and for whose arrest the officer has a warrant;

47              E. Arrest a person who travels beyond the limits of the  
49       municipality in which the officer is appointed when in fresh  
51       pursuit of that person. This paragraph applies to felonies,  
53       misdemeanors and traffic infractions. As used in this  
      paragraph:

      (1) With respect to felonies, the term "fresh pursuit"  
      is defined in Title 15, section 152; and

      (2) With respect to misdemeanors and traffic  
      infractions, "fresh pursuit" means instant pursuit of a  
      person with intent to apprehend; or

      F. As provided for in section 2675.

**Sec. 3. 32 MRSA §11013, sub-§3, ¶I**, as enacted by PL 1985, c.  
      702, §2, is amended to read:

      I. Using or employing notaries public, constables, sheriffs  
      or any other officer authorized to serve legal papers in the

1 collection of a claim provided that a sheriff or police  
3 officer may serve the notice provided for by Title 11,  
section 3-508;

5

### STATEMENT OF FACT

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9 The purpose of this bill is to allow sheriffs and police  
11 officers to serve the notice of dishonor provided for by the  
13 Maine Revised Statutes, Title 11, section 3-508. Under current  
15 law, neither a sheriff nor a police officer may serve this  
notice. Moreover, service of the notice by a sheriff or police  
officer is not now permitted under the Maine Fair Debt Collection  
Practices Act. This change will assist businesses in collecting  
on bad checks.

17

19 The notice of dishonor informs one who wrote a check that  
the check, due to insufficient funds or another reason, was not  
paid by the bank. Failure to make good on the check within 5  
days of receipt of the notice of dishonor creates a presumption  
21 that the drawer intended to pass a bad check. Intentionally  
passing a bad check is a Class D crime.