

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 548

S.P. 205

In Senate, February 14, 1995

**An Act to Correct Certain Statutory References in the Crime of
Negotiating a Worthless Instrument.**

Reported by Senator MILLS of Somerset for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice suggested and ordered printed pursuant to Joint Rule 20.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

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

2
4 **Sec. 1. 17-A MRSA §708, sub-§2, ¶B**, as enacted by PL 1975, c. 499, §1, is amended to read:

6 B. Payment was refused by the drawee for lack of funds upon
8 ~~presentation~~ presentment made within a reasonable the time
10 ~~after negotiation or issue, as determined according to frame~~
12 ~~specified in Title 11, section 3-503 3-1304~~, and the drawer
14 ~~failed to make good honor the drawer's contract within 5~~
16 ~~days after actual receipt of a notice of dishonor, as~~
18 ~~defined in Title 11, section 3-508 3-1503, provided that~~
20 this time limit is tolled during one subsequent
22 representment of the negotiable instrument.

24 **Sec. 2. 17-A MRSA §708, sub-§3**, as enacted by PL 1975, c. 499,
26 §1, is amended to read:

28 3. As used in this section, unless the context otherwise
30 indicates, the following ~~definitions--apply:~~ terms have the
32 following meanings.

34 A. "Issue" has the meaning provided in Title 11, section
36 ~~3-102 3-1105~~, subsection (1), ~~paragraph (a).~~

38 A-1. "Drawee" has the meaning provided in Title 11, section
40 3-1103, subsection (1), paragraph (b).

42 A-2. "Drawer" has the meaning provided in Title 11, section
44 3-1103, subsection (1), paragraph (c).

46 B. "Negotiable instrument" has the meaning provided in
48 Title 11, section ~~3-104;~~ 3-1104.

50 C. "Negotiation" and its ~~variants~~ variants have the meaning
provided in Title 11, section ~~3-202 3-1201.~~

STATEMENT OF FACT

Public Law 1993, chapter 293 repealed the Maine Revised Statutes, Title 11, Article 3 of the Uniform Commercial Code and enacted Article 3-A in its place. Thus, the references to Article 3 currently identified in the Maine Revised Statutes, Title 17-A, section 708, subsection 2 are no longer accurate. This bill corrects these references to reflect current law under Title 11, Parts 1 and 2. It is important to take note, however, that the new provisions do not simply mirror the language of the old provisions they replace. Different language is utilized that

2 results in changes not necessarily formalistic. These changes
3 are necessary because they reflect the current rules of
4 commercial practice under the Uniform Commercial Code. The
5 definitions for "drawee" and "drawer" have been added. Neither
6 were defined terms in former Article 3. In addition, the term
7 "presentment" is substituted for "presentation" to be consistent
8 with the Uniform Commercial Code.