MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1205

H.P. 888

House of Representatives, February 25, 1997

An Act to Amend Certain Provisions Regarding the Presumption of Negotiating a Worthless Instrument.

Reference to the Committee on Criminal Justice suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative JONES of Greenville.

Cosponsored by Representatives: BUCK of Yarmouth, PERRY of Bangor, POVICH of

Ellsworth, TOBIN of Dexter, Senator: LAWRENCE of York.

Be it ena	cted by t	he People	of the	State of	Maine	as follows:
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	Se	c. 1. 17	7-A MI	RSA	§708, sub-§:	2, as	amende	d by	PL	1995,	c.	38,
1	$\S1$, is	repeal	ed and	the	following	enact	ed in	its p	place	e:		

2. It is presumed that the person issuing or negotiating the instrument knew that it would not be honored upon proof that:

A. The drawee imprints upon the face of the instrument "no account" or "account closed" or imprints in another manner that the instrument was not honored due to lack of an account, and that the person who issued or negotiated the instrument had no account with the drawee at the time the instrument was negotiated.

When a person issues or negotiates an instrument upon the drawee and there is no account or there are insufficient funds, the drawee may issue a certificate of proof that the negotiable instrument was not honored by the drawee because there was no account or there was a lack of funds. This certificate, when signed and sworn to by a person qualified for this purpose by the drawee, gives rise to the presumption of the fact stated in the certificate and is admissible in evidence in any court of the State unless, with 10 days written notice to the court, the drawer requests that a qualified witness testify as to the reason the instrument was not honored.

30 SUMMARY

This bill changes the law regarding negotiating a worthless instrument by giving rise to the presumption that if an account was closed, the drawer intended to negotiate the worthless instrument. It also simplifies the procedure by which the drawee may certify lack of funds or account of an instrument by signing a statement.