

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1245

H.P. 888

House of Representatives, February 16, 1999

An Act to Modify the Laws on Negotiating a Worthless Instrument.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BOWLES of Sanford.
Cosponsored by Senator MacKINNON of York and
Representatives: CIANCHETTE of South Portland, FOSTER of Gray, MacDOUGALL of
North Berwick, WHEELER of Eliot.

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

2
38, §1, is further amended to read:

6 B. Payment was refused by the drawee for lack of funds upon
8 presentment made within the time frame specified in Title
10 11, section 3-1304, and the drawer failed to honor the
12 drawer's contract within 5 days after ~~actual receipt of a~~
14 notice of dishonor, ~~as defined in~~ is given pursuant to Title
11, section 3-1503, ~~provided that subsection 2;~~ however,
this time limit is tolled during one subsequent
representation of the negotiable instrument.

16 Sec. 2. 17-A MRSA §708, sub-§4, ¶¶C and D, as amended by PL
1995, c. 224, §7, are further amended to read:

18 C. ~~A- Notwithstanding section 362,~~ a Class D crime, if the
20 face value of the negotiable instrument exceeds ~~\$1,000~~ \$500
but does not exceed \$2,000; or

22 D. ~~A- Notwithstanding section 362,~~ a Class E crime, if the
24 face value of the negotiable instrument does not exceed
\$1,000 \$500, except if the person is convicted of more than
26 one violation of this section, it is a Class D crime.

28 SUMMARY

30 This bill amends the crime of negotiating a worthless
instrument.

32 1. It changes the notice of dishonor provision from
34 requiring the issuer of the check to actually receive the notice
36 to requiring the return of the instrument to a bank for
collection to be considered sufficient notice.

38 2. It decreases the minimum amount of the face value of the
40 worthless negotiable instrument at which it becomes a Class D
crime from over \$1,000 to over \$500.

42 3. It decreases the maximum amount of the face value of the
44 worthless negotiable instrument at which it becomes a Class E
crime from \$1,000 to \$500.

46 4. It increases the penalty for a person who is convicted
48 of more than one violation of passing a worthless negotiable
instrument with a face value of \$500 or less.