

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 413

H.P. 321

House of Representatives, February 4, 2003

An Act To Amend the Laws Governing Penalties for Writing Bad Checks

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PEAVEY-HASKELL of Greenbush.
Cosponsored by Senator NASS of York and
Representatives: CLARK of Millinocket, COLLINS of Wells, DUNLAP of Old Town,
LEDWIN of Holden, STONE of Berwick.

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

Sec. 1. 17-A MRSA §708, sub-§1, as amended by PL 2001, c. 667, Pt. D, §15 and affected by §36, is further amended to read:

1. A person is guilty of negotiating a worthless instrument if:

A. The person intentionally issues or negotiates a negotiable instrument knowing that it will not be honored by the maker or drawee. Violation of this paragraph is a Class E D crime; or

B. The person violates paragraph A and:

(1) The face value of the written instrument or the aggregate value of the instruments is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The face value of the written instrument or the aggregate value of the instruments is more than \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime; or

~~(3) The face value of the negotiable instrument is more than \$500 but not more than \$1,000. Violation of this subparagraph is a Class D crime; or~~

(4) At the time of negotiating a worthless instrument, the person has 2 prior convictions for any combination of the following: theft; violation or attempted violation of this section; any violation or attempted violation of section 401 if the intended crime within the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation or attempted violation of section 651; or any violation or attempted violation of section 702 or 708. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

SUMMARY

This bill provides that a person who negotiates a worthless instrument with a face value of \$500 or less commits a Class D crime. Currently, such conduct is a Class E crime.