

MAINE STATE LEGISLATURE

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L.D. 1542

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DATE: *6/1/05*

(Filing No. H-*612*)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "*A*" to H.P. 1083, L.D. 1542, Bill, "An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks"

Amend the bill in section 1 in subsection 5 in the first line (page 1, line 5 in L.D.) by striking out the following: "bad" and inserting in its place the following: 'dishonored'

Further amend the bill in section 1 in subsection 5 in the 2nd line (page 1, line 6 in L.D.) by striking out the following: "bad check" and inserting in its place the following: 'check that is dishonored'

Further amend the bill in section 1 in subsection 5 in the 3rd line (page 1, line 7 in L.D.) by striking out the following: "bad" and inserting in its place the following: 'dishonored'

Further amend the bill in section 1 in subsection 5 in paragraph A in the first line (page 1, line 15 in L.D.) by striking out the following: "bad check is refused" and inserting in its place the following: 'check is not honored'

Further amend the bill in section 1 in subsection 5 in paragraph B in the first line (page 1, line 20 in L.D.) by striking out the following: "bad check is refused" and inserting in its place the following: 'check is not honored'

Further amend the bill in section 1 in subsection 5 by inserting at the end a blocked paragraph to read:

COMMITTEE AMENDMENT

ADS

2 'For the purposes of this subsection, a check may be considered
4 the 2nd dishonored check to the same payee if the first check to
6 the same payee was not paid within 45 days of the issuance or
8 negotiation of the first check.'

Further amend the bill by striking out all of section 2.

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SUMMARY

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This amendment clarifies that a bad check, referred to as a dishonored check, may not be counted as the first bad check to a payee unless it remained unpaid for at least 45 days. Any subsequent check intentionally issued or negotiated knowing it will not be honored, written to the same payee, will subject the issuer to the additional liquidated damages if the face amount is not paid within 30 days of the demand of the payee.

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This amendment deletes section 2 of the bill, which directed the district attorneys of the State to establish a uniform policy on the collection of worthless instruments.

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FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1542

LR 0008(02)

An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund