MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document	No. 1401
S.P. 489	March 14, 2007

An Act Prohibiting Delivery of Unsolicited Credit Cards

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

JOY J. O'BRIEN

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOWMAN of York.

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

2   **Sec. 1. 9-A MRSA §8-302, sub-§5** is enacted to read:

3   **5.** A person is not liable for an amount due resulting from the use of a credit card or
4 check in that person's name if the person or a member of the person's family or household
5 derived no benefit from the use of the credit card or check and the person did not accept,
6 activate, use or authorize the use of the credit card or check. Failure to destroy or return
7 an unsolicited credit card or check does not constitute acceptance of the card or check.

8   **Sec. 2. 9-A MRSA §8-306** is enacted to read:

9   **§8-306. Unsolicited credit cards or checks**

10   **1.** A person may not mail or otherwise deliver a credit card to another person unless
11 the credit card was mailed or delivered:

12   A. In response to a request or application for a credit card; or

13   B. As a renewal or substitute for a credit card previously issued to the person to
14 whom the card is mailed or otherwise delivered.

15   **2.** A person may not mail or otherwise deliver a check to another person for the
16 purpose of drawing on an existing account that is an extension of credit or activating an
17 account to obtain credit unless the check was mailed or delivered:

18   A. In response to a request or application for a check or account; or

19   B. As a substitute for a check or account previously issued to the person to whom the
20 check is mailed or otherwise delivered.

21   **SUMMARY**

22   This bill prohibits mailing or otherwise delivering an unsolicited check or credit card
23 to a person and immunizes from liability a person in whose name a check or credit card
24 was used if the person received no benefit and did not accept, use, activate or authorize
25 the use of the check or credit card.