

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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HOUSE

NO. 51

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House of Representatives, Feb. 7, 1923.

Reported by Mr. Archibald from Committee on Judiciary  
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Nichols of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE

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AN ACT to Amend Chapter Ninety-five of the Public Laws  
of Nineteen Hundred Seventeen, Relative to Giving Checks  
or Drafts on Banks Where Maker Has Not Sufficient Funds.

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

That sections one and two of chapter ninety-five of the  
2 public laws of Nineteen hundred seventeen, be amended by  
3 striking out all of said sections one and two and inserting  
4 in lieu thereof the following:

'Section 1. PENALTY FOR ISSUING CHECKS OR  
2 DRAFTS WITHOUT SUFFICIENT FUNDS FOR  
3 PAYMENT. Any person individually or as an officer of  
4 a corporation or member of a partnership or firm, who,

5 with intent to defraud, shall make or draw, or utter or de-  
6 liver, any check, draft or order, in the name of the indi-  
7 vidual or in the name of any corporation or partnership,  
8 or under any name whatsoever for the payment of money,  
9 upon any bank or other depository, knowing at the time  
10 of such making, drawing, uttering or delivering, that the  
11 maker, or drawer, has not sufficient funds in, or credit  
12 with, such bank or other depository, for the payment of  
13 such check, draft, or order, in full, upon its presentation,  
14 such person shall be guilty of a misdemeanor, and punish-  
15 able by imprisonment for not more than one year, or by  
16 a fine of not more than one thousand dollars, or both fine  
17 and imprisonment.'

'Sect. 2. PRIMA FACIE EVIDENCE TO DEFRAUD  
2 UNLESS PAYMENT IS MADE WITHIN FIVE DAYS.

3 As against the maker or drawer thereof, or as against the  
4 person signing a check, draft or order for or in behalf of  
5 a corporation or partnership, or against a person signing  
6 a corporation, firm or business name by him, the making,  
7 drawing, uttering or delivery of a check, draft or order,  
8 payment of which is refused by the drawee, shall be prima  
9 facie evidence of intent to defraud and of knowledge of  
10 insufficient funds in, or credit with, such bank or other  
11 depository, provided such maker or drawer shall not have  
12 paid the drawee or holder thereof the amount due thereon,  
13 together with all costs and protest fees, within five days  
14 after receiving notice that such check, draft or order has  
15 not been paid by the drawee.'