

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 25

In Senate, Jan. 26, 1923.

Referred to Committee on Judiciary in concurrence and five hundred copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Mr. Nichols of Portland.

STATE OF MAINE

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

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

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 and seventeen, be amended 3 by striking out all of said sections one and two and insert- 4 ing 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
6 deliver, 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
3 DAYS. As against the maker or drawer thereof, or as
4 against the person signing a check, draft or order for or
5 in behalf of a corporation or partnership, or against a per-
6 son signing a corporation, firm or business name by him,
7 the making, drawing, uttering or delivery of a check, draft
8 or order, payment of which is refused by the drawee, shall
9 be prima facie evidence of intent to defraud and of knowl-
10 edge of insufficient funds in, or credit with, such bank or
11 other depository, provided such maker or drawer shall not
12 have paid the drawee or holder thereof the amount due

13 thereon, together with all costs and protest fees, within five
14 days after receiving notice that such check, draft or order
15 has not been paid by the drawee.'