

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 186

In Senate, March 2, 1923.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Eaton of Oxford.

STATE OF MAINE

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

AN ACT for the Better Protection of Banks in Particular
Transactions.

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

Section 1. *Time limit on stop-payment of checks, etc.*

2 No revocation, countermand or stop-payment order relating
3 to the payment of any check or draft against an account of
4 a depositor in any bank or trust company doing business
5 in this state shall remain in effect for more than ninety
6 days after the service thereof on the bank, unless the same
7 be renewed, which renewals shall be in writing and which
8 renewals shall be in effect for not more than ninety days
9 from the date of service thereof on the bank or trust com-

10 pany, but such renewals may be made from time to time.
11 All notices affecting checks upon which revocation, counter-
12 mand or stop-payment order have been made at the time
13 of the taking effect of this act shall not be deemed to con-
14 tinue for a period of more than ninety days thereafter.

Sect. 2. *Payment of stale checks.* Where a check or
2 other instrument payable on demand at any bank or trust
3 company doing business in this state is presented for pay-
4 ment more than one year from its date, such bank or trust
5 company may, unless expressly instructed by the drawer
6 or maker to pay the same, refuse payment thereof and no
7 liability shall thereby be incurred to the drawer or maker
8 for dishonoring the instrument by non-payment.

Sect. 3. *Non-payment of check through error.* No bank
2 or trust company doing business in this state shall be
3 liable to a depositor because of the non-payment through
4 mistake or error and without malice of a check which
5 should have been paid unless the depositor shall allege and
6 prove actual damage by reason of such non-payment and
7 in such event the liability shall not exceed the amount of
8 damage so proved.

Sect. 4. *Forwarding checks direct.* Any bank, banker
2 or trust company, hereinafter called bank, organized under
3 the laws of, or doing business in, this state, receiving for
4 collection or deposit, any check, note or other negotiable
5 instrument drawn upon or payable at any other bank,
6 located in another city or town whether within or without

7 this state, may forward such instrument for collection
8 directly to the bank on which it is drawn or at which it is
9 made payable, and such method of forwarding direct to
10 the payor shall be deemed due diligence, and the failure
11 of such payor bank, because of its insolvency or other
12 default, to account for the proceeds thereof, shall not render
13 the forwarding bank liable therefor, provided, however,
14 such forwarding bank shall have used due diligence in
15 other respects in connection with the collection of such
16 instrument.

Sect. 5. *Adverse claim to bank deposits.* Notice to any
2 bank or trust company doing business in this state of an
3 adverse claim to a deposit standing on its books to the
4 credit of any person shall not be effectual to cause said
5 bank to recognize said adverse claimant unless said adverse
6 claimant shall also either procure a restraining order, in-
7 junction or other appropriate process against said bank
8 from a court of competent jurisdiction in a cause therein
9 instituted by him wherein the person to whose credit the
10 deposit stands is made a party and served with summons,
11 or shall execute to said bank, in form and with sureties
12 acceptable to it a bond, indemnifying said bank from any
13 and all liability, loss, damage, costs, and expenses for and
14 on account of the payment of such adverse claim or the
15 dishonor of the check or other order of the person to whose
16 credit the deposit stands on the books of said bank pro-
17 vided, that this law shall not apply in any instance where

18 the person to whose credit the deposit stands is a fiduciary
19 for such adverse claimant, and the facts constituting such
20 relationship, as also the facts showing reasonable cause
21 of belief on the part of the said claimant that the said
22 fiduciary is about to misappropriate said deposit, are made
23 to appear by the affidavit of such claimant.

Sect. 6. *Saturday afternoon bank transactions.* Nothing
2 in any law of this state shall in any manner whatsoever
3 affect the validity of, or render void or voidable, the pay-
4 ment, certification or acceptance of a check or other nego-
5 tiable instrument or any other transaction by a bank in
6 this state, because done or performed on any Saturday
7 between twelve o'clock noon and midnight, provided such
8 payment, certification, acceptance, or other transaction
9 would be valid if done or performed before twelve o'clock
10 noon on such Saturday; provided further that nothing
11 herein shall be construed to compel any bank or trust com-
12 pany doing business in this state, which by law or custom
13 is entitled to close at twelve o'clock noon on any Saturday,
14 to keep open for the transaction of business or to perform
15 any of the acts or transactions aforesaid, on any Saturday
16 after such hour except at its own option.