

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Prohibiting Delivery of Unsolicited Credit Cards

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

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

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

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

§ 8-306. Unsolicited credit cards or checks

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

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

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

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

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

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

SUMMARY

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