

TOWN OF BRADLEY- RETURN CHECK POLICY

Payment in form of personal or business check will be accepted for all transactions within the Town of Bradley. If a check is returned by the Town of Bradley's banking institution, the customer will be charged the fees that have been assessed to the Town for the return deposit and a \$25.00 returned check fee.

Procedures for Collection:

- Collection must be made in the form of cash, money order, treasurer check, bank check or credit card. Payment due will total the amount of the original check, the amount assessed to the Town for the return deposit and the \$25.00 return check fee.
- An attempt to contact the customer via phone must be done as soon as it is discovered that the check has been returned. The attempt will notify the customer that they have 24 hours to make payment in full before further action is taken.
- If contact fails within the 24 hour time frame, an initial demand letter (appendix 1) must be sent. The demand letter will give the customer an opportunity to make payment in full within a 10 day period.
- If the customer fails to make payment in full within the 10 day period, an official Notice of Dishonor (appendix 2) will be sent to the customer by certified and regular mail. This official Notice of Dishonor will give the customer an opportunity to make payment in full within a 15 day period of mailing.
- If the customer fails to make payment in full within the 15 day period:
 - The matter will be presented to the Penobscot County Sheriff Department for the appropriate summons, by completing and submitting a Data Sheet (appendix 3).
 - If the check was originally submitted for payment of a motor vehicle registration, contact will be made with the Department of the Bureau of Motor Vehicles, Returned Check Department (207-624-9150). The Department of Bureau of Motor Vehicle will suspend the appropriate registration. The Department of Bureau of Motor Vehicle may after an extended period of non-payment; suspend the customer's driver's license and right to register.
 - If the check was originally submitted for payment for a Fisheries & Wildlife transaction contact will be made with the Department of Inland Fisheries and Wildlife and report that the transaction must be suspended.
 - If the check was originally submitted for real estate taxes the amount will be returned to taxes receivable.
 - If the check was originally submitted for payment of a tax lien that has been discharged, a Tax Collector Affidavit (appendix 4) will be recorded with the Penobscot Registry of Deeds Office.

Procedure after Collection


- Notify the Penobscot County Sheriff Department that payment has been made in full.
- Notify the appropriate departments (Bureau of Motor Vehicle, Inland Fisheries, Tax Collector or Treasurer). That the payment has been made in full and the registration, license or tax payment may be re-instated or lien discharged appropriately.

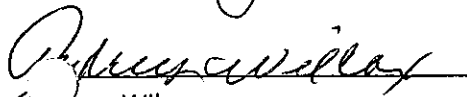
Miscellaneous

- If a customer has presented two (2) checks which were returned within six (6) months, the customer's check writing privileges will be suspended for a period of one (1) year. If after reinstatement, the customer again presents a check which is returned, their check writing privileges will be revoked permanently unless reinstated by vote of the Town Council.

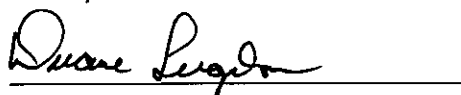
Approved by the Bradley Town Council at a duly called meeting on Tuesday October 23, 2012, repealing the prior bounced check policy.



Sally Strout, Council Chair


Mark Ketch


Audrey Wilcox

Diane Walter


Duane Lugdon


Melissa L. Doane, Town Clerk

APPENDIX 1

Date

XXXX

XXXX

XXXX Me XXXXX

Dear XXXX

It is with regret that I must inform you that the check #_____ you presented for payment on _____, 20__ for _____ has been returned. Please remit in the form of cash, money order, bank check, cashier check or credit card the amount of \$_____. This amount represents the amount of the original check, the fee assessed to the Town of Bradley for the deposit return and the Town of Bradley returned check fee. A detail is provided below:

Original Check:

Fee Assessed to the Town of Bradley:

Town of Bradley Returned Check Fee: \$25.00

Total Amount Due:

This payment must be made by _____, 20__ or I will be forced to more sever actions to collect the amount due. This will include contacting the Penobscot County Sheriff's Department and revoking the service in which the payment was made.

If additional information or comment is needed please contact me at the above address or phone number.

Sincerely,

Town Manager
Bradley

NOTICE OF DISHONOR
M.R.S.A 11 (3-508)

Town of Bradley
PO Box 517
Bradley ME 04411
_____, 2012

XXXX XXXX
XXXXXXXXXX
XXXXX ME XXXX

Dear XXXXX

Your check (s) described below has been returned marked "Not Sufficient Funds" or "Account Closed". Please remit in the form of cash or money order, the amount of \$_____ which represents the original check amount of \$_____, \$_____ Bank Fee and a \$25.00 Town of Bradley Returned Check Fee.

This payment must be made by _____, 2012 or I will be forced to take other actions to collect on the dishonored check. Failure to make good on this matter will leave no alternative but to turn it over to the **Criminal Division of the Penobscot County Sheriff's Office and the District Attorney's Office for prosecution.**

***If Motor Vehicle Registration add: In addition Bureau of Motor Vehicles will be contacted, your registration for plate #PC _____ will be suspended will possible Maine Drivers License suspension.

Description of Check

Date: _____ Check Number: _____
Bank: _____ Account Number: _____

Sincerely,

XXXXX XXXXX
Town Manager, Bradley



Glenn C. Ross
Sheriff

85 Hammond Street
Bangor, ME 04401
(207) 947-4585

Troy J. Morton
Chief Deputy

The Penobscot County Sheriff's Office wants to do our best to fully investigate any negotiating of a bad check.

In order to be successful, we will need to find the offender. To do so, the following information is needed regarding the person who negotiated the check:

1. Offender's name;
2. Most current address;
3. Phone number; and
4. Date of birth

When an employee accepts a check, please obtain a current driver's license or Maine State Identification card from the passer and record the information on the check.

The Sheriff's Office is working with the Office of the District Attorney to prosecute the offender and recover restitution. In order for us to assist you in this matter, please complete the attached data sheet which is required by the District Attorney's Office to be completed prior to the issuance of any criminal charges.

For your information, Maine State Law indicates that negotiating a worthless instrument is a violation of Maine Criminal Statute 17a §708 and is defined as follows:

A person is guilty of negotiating a worthless instrument if he/she issues or negotiates a negotiable instrument knowing that it will not be honored by the maker or drawee.

Negotiating a Worthless Instrument is a Class D crime if the face value of the negotiable instrument exceeds \$500.00 but does not exceed \$1,000.00; or, A Class E crime if the face value of the negotiable instrument does not exceed \$500.00.

The District Attorney cannot prosecute the following check cases:

- Post-dated checks
- 3rd party checks
- Out-of-State checks
- Checks over 120 days old

Glenn Ross, Sheriff

REPORT

A. Business Information

1. Your business name and address: _____

2. Person making report: _____
3. Have you successfully served a 5-day statutory bad check notice on the passer?
Yes ___ No ___ If yes, how? Certified mail ___ Personal service ___
If not served, the reason why: _____

B. Check Information

1. Check number: _____ Date check was accepted: _____
Amount of check: _____
2. Name of person who presented the check: _____

C. *The person who actually took the check must complete this next section*

1. Your name: _____ DOB: _____
2. Description of the person passing the check: _____

3. Name given by the passer: _____
Address and phone number: _____
4. Did you know the passer: Yes ___ No ___
If yes, how? _____
5. Can you identify the passer? Yes ___ No ___
If yes, how? _____

**TAX COLLECTOR'S AFFIDAVIT
TOWN OF BRADLEY**

Now comes, _____ who being duly sworn, deposes and says:

Printed of tax collector

1. I am the Tax Collector of the Town of Bradley.
2. Taxes asses in the Town as of April 1, 20__ have been on information and belief, duly committed to me for collection.
3. For nonpayment of taxes, I recorded a tax lien at Book _____, Page __ of the Penobscot County Registry of Dees against one, _____; on _____, _____ I executed a discharge of that lien and caused it to be recorded in the same Registry, where it appears at Book _____ page _____.
4. The discharge was improvidently issued, executed and recorded by me, as payment had not been as of the date of this affidavit, still had not been received by me for the full amount due under that lien.
5. Accordingly, I make this affidavit as a record of facts recited in it and assert the continuing validity and effectiveness of the liens identified and described herein.

Dated _____

(printed name of tax collector)

Tax Collector

Town of Bradley

Penobscot, s s.

Then personally appeared the above named _____ and acknowledged the above instrument to be her free act and deed in his said capacity.

Before me,

(printed name of Notary)

Commission Expires _____