

# MAINE STATE LEGISLATURE

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**EIGHTY-FOURTH LEGISLATURE**

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**House Document**

**No. 560**

H. P. 1542      House of Representatives, March 1, 1929.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Farris of Augusta.

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**STATE OF MAINE**

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

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**AN ACT** Relating to Set-off.

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

Section 1. Section seventy-five of chapter eighty-seven  
2 of the revised statutes is hereby amended by striking out  
3 all of said section and inserting in place thereof the fol-  
4 lowing:

'Sect. 75. A demand, including a demand founded on a  
2 judgment, existing in favor of a defendant and against a  
3 plaintiff, between whom a several judgment might be had  
4 in the action, originally payable to the defendant in his own  
5 right or in the right of a bona fide predecessor of a reor-  
6 ganized defendant corporation, and arising out of one of

7 the following causes of action, may be set off: 1. A cause  
8 of action arising out of the contract or transaction set forth  
9 in the writ as the foundation of the plaintiff's claim, or  
10 connected with the subject of the action; 2. In an action  
11 arising on contract, any other cause of action arising also  
12 on contract, express or implied, and existing at the com-  
13 mencement of the action.'

Sect. 2. Section seventy-six of said chapter eighty-seven  
2 of the revised statutes is hereby amended by inserting after  
3 the word "jointly" in the second line thereof the words 'ex-  
4 cept as otherwise provided in the preceding section,' so that  
5 said section shall read as follows:

'Sect. 76. The demand must be due from all the plaintiffs  
2 to all the defendants jointly, except as otherwise provided  
3 in the preceding section. When there is a dormant partner,  
4 claims due from the ostensible one may be set off as if there  
5 were no dormant partner.'