

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 518

S. P. 410

In Senate, Feb. 12, 1931.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Farnsworth of Aroostook.

STATE OF MAINE

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

AN ACT Relating to Accounts Annexed.

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

R. S., c. 96, sec. 126, in relation to affidavits of plaintiffs in actions brought on accounts annexed, amended. Section one hundred twenty-nine of chapter ninety-six of the revised statutes is hereby amended by adding at the end of said section the following words: 'If the account annexed in the writ is not entirely itemized the affidavit will be prima facie evidence of the correctness of the items that are itemized. If for any reason, the amount due at the time of the trial is less than the amount shown in the account found in the writ, then the affidavit may be for a lesser amount than the account in the writ, and shall be a prima facie evidence of the correctness of the lesser amount as shown in the affidavit', so that said section as amended shall read as follows:

'Sec. 129. Affidavit of plaintiff prima facie evidence. In all actions brought on an itemized account annexed to the writ, the affidavit of the plaintiff, made before a notary public using a seal, that the account on which the action is brought is a true statement of the indebtedness existing between the parties to the suit with all proper credits given, and that the prices or items charged therein are just and reasonable, shall be prima facie evidence of the truth of the statement made in such affi-

davit, and shall entitle the plaintiff to the judgment, unless rebutted by competent and sufficient evidence. When the plaintiff is a corporation, the affidavit may be made by its president, secretary or treasurer. If the said affidavit be made before a notary public using a seal without the state, his authority as a notary public to act and to administer an oath shall be certified thereto and the genuineness of his signature certified by a clerk of a court of record or by a deputy or assistant clerk of the same and have the seal of said court attached thereto. If the account annexed in the writ is not entirely itemized the affidavit will be prima facie evidence of the correctness of the items that are itemized. If for any reason, the amount due at the time of the trial is less than the amount shown in the account found in the writ, then the affidavit may be for a lesser amount than the account in the writ, and shall be a prima facie evidence of the correctness of the lesser amount as shown in the affidavit.'