

**§2165. Evidence of unpaid debt or undischarged obligation**

**1. Prima facie evidence of debt or obligation.** A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.

[PL 2019, c. 498, §22 (NEW).]

**2. Preponderance of evidence.** A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection 1 or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.

[PL 2019, c. 498, §22 (NEW).]

**3. Overcome prima facie evidence.** A putative holder may overcome prima facie evidence under subsection 1 by establishing by a preponderance of the evidence that a check, draft or similar instrument was:

A. Issued as an unaccepted offer in settlement of an unliquidated amount; [PL 2019, c. 498, §22 (NEW).]

B. Issued but later was replaced with another instrument because the earlier instrument was lost or contained an error that was corrected; [PL 2019, c. 498, §22 (NEW).]

C. Issued to a party affiliated with the issuer; [PL 2019, c. 498, §22 (NEW).]

D. Paid, satisfied or discharged; [PL 2019, c. 498, §22 (NEW).]

E. Issued in error; [PL 2019, c. 498, §22 (NEW).]

F. Issued without consideration; [PL 2019, c. 498, §22 (NEW).]

G. Issued but there was a failure of consideration; [PL 2019, c. 498, §22 (NEW).]

H. Voided not later than 90 days after issuance for a valid business reason set forth in a contemporaneous record; or [PL 2019, c. 498, §22 (NEW).]

I. Issued but not delivered to a 3rd-party payee for a sufficient reason recorded within a reasonable time after issuance. [PL 2019, c. 498, §22 (NEW).]

[PL 2019, c. 498, §22 (NEW).]

**4. Evidence of course of dealing.** In asserting a defense under this section, and subject to section 2094, a putative holder may present evidence of a course of dealing between the putative holder and the apparent owner.

[PL 2019, c. 498, §22 (NEW).]

**SECTION HISTORY**

PL 2019, c. 498, §22 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.