

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
103rd LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 941, L.D. 1373, Bill, "An Act
Relating to Service on Nonresidents in Motor Vehicle
Accidents."

Amend said Bill by striking out all of the last 2 sentences
of the first paragraph of that part designated "§1911" and inserting
in place thereof the following:

'Service of such process shall be made by leaving a copy thereof
with a fee of \$2 in the hands of the Secretary of State, or in his
office, and such service shall be sufficient service upon such
nonresident, provided notice of such service and a copy of the
process are forthwith sent by registered mail by the plaintiff to
the defendant, or if the defendant is deceased to his personal
representative, and if no personal representative, then to the public
administrator in the county in which the action is pending who,
thereupon, shall petition the probate court for probate of the
defendant's estate, any other statutory requirements for probate of
estates notwithstanding, and the defendant's, or personal
representative's or public administrator's return receipt and the
plaintiff's affidavit of compliance herewith are appended to the
writ and are filed with the clerk of courts in which the action is
pending, or that such notice and copy are served upon the defendant
or personal representative, and if no personal representative, the
public administrator, if found within the State, by an officer duly
qualified to serve legal process, or, if found without the State, by
any duly constituted public officer qualified to serve like process
in the State or jurisdiction where the defendant or personal
representative, and if no personal representative then the public
administrator, is found, and the officer's return showing such
service to have been made is filed in the case on or before the
return day of the process or within such further time as the court
may allow. The court in which the action is pending may order such
continuance as may be necessary to afford the defendant or if the
defendant is deceased, his personal representative or the public
administrator reasonable opportunity to defend the action.'

Over

(Filing No. H. 443)

Further amend said Bill by striking out all of the last paragraph and inserting in place thereof the following:

'The plaintiff in an action brought as prescribed in section 1911 shall file with his writ in the court to which such action is returnable, a bond to the defendant or personal representative or the public administrator with 2 or more sureties to be approved by the judge or clerk of said court, or with a surety company authorized to do business in this State, as surety in the sum of \$100 conditioned that in the event judgment is rendered against such plaintiff so much of the penalty of said bond as may be required to satisfy any judgment for costs awarded against him shall be applied thereto, and the attorney for the plaintiff in such action against a nonresident defendant or personal representative or the public administrator shall be liable to the defendant or his personal representative or public administrator for his costs in the action to an amount not exceeding \$50 unless and until such bond shall be filed.'

Reported by the Committee on Judiciary.

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(Filing No. H-443)

6/16/67