

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1373

H. P. 941

House of Representatives, March 8, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Berman of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Service on Nonresidents in Motor Vehicle Accidents.

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

Sec. 1. R. S., T. 29, § 1911, amended. Section 1911 of Title 29 of the Revised Statutes is amended to read as follows:

§ 1911. Service on nonresidents; Secretary of State

The acceptance by a person who is a resident of any other state or country of the rights and privileges conferred by this Title as evidenced by the operation, by himself or agent, of a motor vehicle thereunder, or the operation by such a person, by himself or his agent, of a motor vehicle on a public way in this State otherwise than under said Title, or the operation by such a person, by himself or his agent, of aircraft in this State, shall be deemed equivalent to an appointment by him of the Secretary of State, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against him, growing out of any accident or collision in which such person or his agent may be involved, while operating a motor vehicle on such a way, or while operating aircraft in this State, and said acceptance or operation shall be a signification of his agreement that any such process against him which is so served shall be of the same legal force and validity as if served on him personally. 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 to the clerk of the court in which the action is pending, and the defendant's or personal representative's**

or clerk of courts 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**, 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**, 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 personal representative** reasonable opportunity to defend the action.

This section shall apply to any resident of the State who becomes a resident of any other state or country prior to the time when any action or proceeding against him, growing out of any accident or collision in which such person or his agent may be involved, while operating a motor vehicle on a public way in this State, has been brought.

Sec. 2. R. S., 29, § 1912, amended. Section 1912 of Title 29 of the Revised Statutes is amended to read as follows:

§ 1912. Plaintiff's bond

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** 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** shall be liable to the defendant **or personal representative** for his costs in the action to an amount not exceeding \$50 unless and until such bond shall be filed.