

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2030

6  
7 H.P. 1542

House of Representatives, February 3, 1984

8 Submitted by the Joint Standing Committee on Transportation pursuant  
9 to Joint Rule 19. Approved by Legislative Council May 25, 1983.

10 Reported by Representative Carroll from the Committee on  
Transportation and printed under Joint Rule 19.

EDWIN H. PERT, Clerk

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT Concerning Long-term Trailer  
18 Agents under the Motor Vehicle Laws.  
19

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

22 29 MRSA §245-A, 3rd ¶, as repealed and replaced  
23 by PL 1977, c. 481, §8, is repealed and the following  
24 enacted in its place:

25 Pursuant to rules promulgated by the Secretary of  
26 State, every nonresident applying for semitrailer or  
27 trailer plates shall appoint and maintain a resident  
28 registered agent. That agent shall serve as agent  
29 for service of any process, notice or demand required  
30 or permitted by law to be served, and that service  
31 shall be binding upon the registrant. Pursuant to  
32 the rules of the Secretary of State, the resident  
33 agent or other duly authorized person shall sign each  
34 nonresident applicant's registration certificate.

1 STATEMENT OF FACT

2 This bill requires that nonresidents must appoint  
3 and maintain a Maine resident as an agent for service  
4 of legal process and, pursuant to rules promulgated  
5 by the Secretary of State, allows the registration to  
6 be signed by either the resident agent or "other duly  
7 authorized person."

8 Presently, the law requires that the registration  
9 certificate must be signed by the resident agent and  
10 does not allow for anyone else to be authorized to  
11 sign the registration. For example, under the  
12 present law, the president of a nonresident company  
13 has the power to appoint and authorize an agent to  
14 sign his company's registrations, but he does not  
15 have the authority to sign the company's registration  
16 certificates even though he has the power to autho-  
17 rize someone else to do so.

18 In practical terms, because the present law re-  
19 quires the agent to sign the registration, a company  
20 doing business with the State of Maine cannot deal  
21 directly with the Division of Motor Vehicles, but is  
22 required to first contact an agent and have that  
23 agent contact the Division of Motor Vehicles on their  
24 behalf.

25 This bill permits those nonresident companies  
26 registering long-term trailers in Maine the option of  
27 either doing business directly with the Division of  
28 Motor Vehicles or going through their agent, or any  
29 combination of this, whichever might be most conve-  
30 nient for the company.

31 All nonresident companies will still be required  
32 to have a duly authorized resident agent on file with  
33 the Secretary of State for service of legal process.  
34 This is similar to the requirement of out-of-state  
35 companies when they file for operating authority from  
36 the Department of Public Safety.

37 In summary, the Division of Motor Vehicles feels  
38 that this bill will enable us to better serve the  
39 public and enhance the long-term trailer program.