

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1227

H.P. 913

House of Representatives, February 28, 2001

**An Act to Provide for the Disclosure of Company Information and
Appointment of a Registered Agent in Maine by Persons or Business
Entities Selling or Leasing Goods or Services via the Internet.**

Reference to the Committee on Business and Economic Development suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Speaker SAXL of Portland.
Cosponsored by Senator MILLS of Somerset and
Representatives: COLWELL of Gardiner, DUNLAP of Old Town, NORBERT of Portland,
POVICH of Ellsworth, SAVAGE of Buxton.

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

4 **Sec. 1. 10 MRSA c. 228** is enacted to read:

6 **CHAPTER 228**

8 **INTERNET IDENTIFICATION AND REGISTRATION**

10 **§1500-J. Internet identification and registration**

12 **1. Disclosure of company information.** Any person or entity
14 organized under the laws of this State that is authorized to do
16 business in this State pursuant to Title 13-A, section 1201 or
18 that has otherwise appointed a registered agent for service of
20 process in this State in accordance with Title 13-A, section 1202
22 must make available either at or from any publicly accessible
site on the Internet that it operates or maintains the name of
the legal owner of each domain name from which the site is
accessible, the address of its principal office, wherever
located, and information pertaining to its designated registered
agent for service of process in this State.

24 **2. Appointment of registered agent required.** Any person or
26 entity that is not organized under the laws of this State, is not
28 authorized to do business in this State or has not otherwise
30 appointed a registered agent for service of process in this State
32 and that sells or leases goods or services to residents in this
34 State via the Internet may not designate, whether contractually
or otherwise, a forum other than a forum in this State for the
resolution of disputes pertaining to that Internet activity,
unless such person appoints and maintains a registered agent for
service of process in this State and information pertaining to
that agent for service of process is available from its publicly
accessible site or sites on the Internet.

36 **3. Jurisdiction; compliance not dispositive.** The
38 appointment of a registered agent for service of process pursuant
40 to subsection 2 does not in itself constitute the transaction of
42 business with this State or, absent other evidence, otherwise
avail the person or entity to jurisdiction in the State as set
forth in Title 14, section 704-A, nor does compliance with
subsection 2 act as a waiver of jurisdiction by the State.

44 **4. Registered agent must be authorized to do business in**
46 **State.** The registered agent to accept service of process
48 appointed pursuant to subsection 2 must be an individual, a
domestic corporation, a foreign corporation, a limited liability
company or a limited liability partnership authorized to do
business in the State. Information concerning the registered

2 agent must include the name and address of the registered agent
3 in the State.

4 **5. Noncompliance.** If a person or entity is not organized
5 under the laws of this State, is not authorized to do business in
6 this State or has not otherwise appointed a registered agent for
7 service of process in this State and sells or leases goods or
8 services to residents of this State via the Internet and does not
9 comply with the requirements of subsection 2, any dispute
10 involving a resident of the State that pertains to that Internet
11 activity must be properly brought in the courts of the State if
12 that activity is deemed by a presiding court as an act described
13 in Title 14, section 704-A regardless of any contractual
14 provision designating a forum other than this State.

16
17 **SUMMARY**

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19 This bill provides for the disclosure of company information
20 and appointment of a registered agent in Maine by persons or
21 business entities selling or leasing goods or services via the
22 Internet.