

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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HOUSE

NO. 372

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*House of Representatives, Feb. 25, 1915.*

*Reported by Mr. Greenleaf from Special Committee on Revision of Statutes and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIFTEEN

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AN ACT to Amend Section Forty-three of Chapter Sixty-six of the Revised Statutes Relating to the Appointment of an Agent or Attorney by Non-resident Executors or Administrators.

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

Section forty-three of chapter sixty-six of the revised statutes is hereby amended by striking out the last sentence of said section, and by substituting in place thereof the following: "Such appointment shall be made by a writing filed and recorded in the registry of probate for the county in which the principal is appointed, and by such writing the subscriber shall agree that the service of any legal process against him as such executor or administrator, or that the

9 service of any such process against him in his individual  
10 capacity in any action founded upon or arising out of any  
11 of his acts or omissions as such executor or administrator  
12 shall, if made on such agent, have like effect as if made on  
13 himself personally within the state, and such service shall  
14 have such effect. An executor or administrator who after  
15 his appointment removes from and resides without the state  
16 shall so appoint an agent within thirty days after such re-  
17 moval, and give public notice thereof. If an agent ap-  
18 pointed under the provisions of this section dies or removes  
19 from the state before the final settlement of the accounts  
20 of his principal, another appointment shall be made, filed  
21 and recorded as above provided, and public notice thereof  
22 given; the powers of an agent appointed under the provi-  
23 sions of this section shall not be revoked prior to the final  
24 settlement of the estate unless another appointment shall  
25 be made as herein provided. Neglect or refusal by an exec-  
26 uter or administrator to comply with any provision of this  
27 section shall be cause for removal. An executor or admin-  
28 istrator, residing out of the state shall not appoint his co-  
29 executor or co-administrator, residing in the state, as his  
30 agent,' so that said section forty-three as amended shall read  
31 as follows:

'Sect. 43. Executors or administrators residing out of the  
33 state at the time of giving notice of their appointment, shall  
34 appoint an agent or attorney in the state, and insert his  
35 name and address in such notice. Such appointment shall  
36 be made by a writing filed and recorded in the registry of

37 probate for the county in which the principal is appointed,  
38 and by such writing the subscriber shall agree that the serv-  
39 ice of any legal process against him as such executor or  
40 administrator, or that the service of any such process against  
41 him in his individual capacity in any action founded upon  
42 or arising out of any of his acts or omissions as such exec-  
43 utor or administrator shall, if made on such agent, have  
44 like effect as if made on himself personally within the state,  
45 and such service shall have such effect. An executor or  
46 administrator who after his appointment removes from and  
47 resides without the state shall so appoint an agent within  
48 thirty days after such removal, and give public notice  
49 thereof. If an agent appointed under the provisions of this  
50 section dies or removes from the state before the final set-  
51 tlement of the accounts of his principal, another appoint-  
52 ment shall be made, filed and recorded as above provided,  
53 and public notice thereof given; the powers of an agent  
54 appointed under the provisions of this section shall not be  
55 revoked prior to the final settlement of the estate unless an-  
56 other appointment shall be made as herein provided. Neg-  
57 lect or refusal by an executor or administrator to comply  
58 with any provision of this section shall be cause for re-  
59 moval. An executor or administrator, residing out of the  
60 state shall not appoint his co-executor or co-administrator,  
61 residing in the state, as his agent.'