

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 67

H. P. 164

House of Representatives, Jan. 24, 1929.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Stone of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT Relating to the Service of Process on Non-residents
for Involved in Automobile Accidents.

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

Section 1. The operation by a non-resident of a motor
2 vehicle on a way in this state shall be deemed equivalent
3 to an appointment by such non-resident of the secretary
4 of state to be his true and lawful attorney upon whom may
5 be served the summons in any action against him, growing
6 out of any accident or collision in which such non-resident
7 may be involved while operating a motor vehicle on such
8 a way; and such operation shall be deemed a signification
9 of his agreement that any such summons against him which

10 is so served shall be of the same legal force and validity
11 as if served on him personally with the state. Service of
12 such summons shall be made by leaving a copy thereof,
13 with a fee of two dollars, with the secretary of state, or
14 in his office, and such service shall be sufficient service upon
15 such non-resident provided that notice of such service and
16 a copy of the summons are forthwith sent by registered
17 mail by the plaintiff to the defendant, and the defendant's
18 return receipt, the plaintiff's affidavit of compliance here-
19 with, and a copy of the writ are filed with the clerk of
20 courts in which the action is pending. The court in which
21 the action is pending may order such continuances as may
22 be necessary to afford the defendant reasonable opportunity
23 to defend the action.

Sect. 2. The plaintiff in an action brought as prescribed
2 in section one hereof shall file with his writ in the court
3 to which such action is returnable, a bond to the defendant
4 with two or more sureties to be approved by the judge or
5 clerk of said court, or with a surety company, authorized
6 to do business in this state, as surety in the sum of two
7 hundred fifty dollars conditioned that in the event judgment
8 is rendered against such defendant so much of the penalty
9 of said bond as may be required to satisfy any judgment
10 for costs awarded against him shall be applied thereto, and
11 the attorney for the plaintiff in such action against a non-
12 resident defendant shall be liable to the defendant for his
13 costs in the action to an amount not exceeding one hundred

14 dollars unless and until such bond shall be filed as afore-
15 said.

Sect. 3. All acts and parts of acts inconsistent herewith
2 are hereby repealed.