

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 629

H. P. 1616

House of Representatives, March 6, 1929.

Reported by Mr. Williamson from Committee on Judiciary  
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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STATE OF MAINE

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

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

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

Section 1. The acceptance by a person who is a resident  
2 of any other state or country of the rights and privileges  
3 conferred by chapters one hundred sixty-one and two hun-  
4 dred of the public laws of nineteen hundred and twenty-  
5 seven together with any additions thereto and amendments  
6 thereof, as evidenced by the operation, by himself or agent,  
7 of a motor vehicle thereunder, or the operation by such a  
8 person, by himself or his agent, of a motor vehicle on a  
9 public way in this state otherwise than under said chapters,

10 shall be deemed equivalent to an appointment by him of  
11 the secretary of state, or his successor in office, to be his  
12 true and lawful attorney upon whom may be served all law-  
13 ful processes in any action or proceeding against him, grow-  
14 ing out of any accident or collision in which such person  
15 or his agent may be involved, while operating a motor ve-  
16 hicle on such a way, and said acceptance or operation shall  
17 be a signification of his agreement that any such process  
18 against him which is so served shall be of the same legal  
19 force and validity as if served on him personally. Service  
20 of such process shall be made by leaving a copy thereof,  
21 with a fee of two dollars in the hands of the secretary of  
22 state, or in his office, and such service shall be sufficient  
23 service upon such non-resident; provided, that notice of such  
24 service and a copy of the process are forthwith sent by  
25 registered mail by the plaintiff to the defendant, and the  
26 defendant's return receipt, and the plaintiff's affidavit of  
27 compliance herewith, are appended to the writ and are filed  
28 with the clerk of courts in which the action is pending,  
29 or that such notice and copy are served upon the defend-  
30 ant, if found within the state, by an officer duly qualified  
31 to serve legal process, or, if found without the state, by  
32 any duly constituted public officer qualified to serve like  
33 process in the state or jurisdiction where the defendant is  
34 found, and the officer's return showing such service to have  
35 been made is filed in the case on or before the return day  
36 of the process or within such further time as the court may

37 allow. The court in which the action is pending may order  
38 such continuance as may be necessary to afford the defend-  
39 ant reasonable opportunity 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 one  
7 hundred dollars conditioned that in the event judgment is  
8 rendered against such plaintiff so much of the penalty of  
9 said bond as may be required to satisfy any judgment for  
10 costs awarded against him shall be applied thereto, and the  
11 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 fifty dollars  
14 unless and until such bond shall be filed as aforesaid.

Sect. 3. The fee of two dollars, paid by the plaintiff to  
2 the secretary of state at the time of service, shall be taxed  
3 in his costs, if he prevails in the suit. The secretary shall  
4 keep a record of such processes, which shall show the day  
5 and hour of service.

Sect. 4. Officers authorized to serve civil processes by  
2 statutes of this state are hereby authorized and empowered  
3 to serve all processes and notices on the secretary of state  
4 required under section one of this act.