

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 86

H. P. 298

House of Representatives, January 20, 1949

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. McGlauffin of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Service on Foreign Corporations.

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

R. S., c. 49, § 123, amended. Section 123 of chapter 149 of the revised statutes is hereby amended to read as follows:

Sec. 123. Foreign corporations, before doing business in the state to appoint an attorney; power of attorney and copy of vote to be filed; service of process. Every corporation established under laws other than those of this state, for any lawful purpose, other than as a bank, savings bank, trust company, surety company, safe deposit company, insurance company or public service company, which has a usual place of business in this state or which is engaged in business in this state permanently or temporarily, without a usual place of business therein, and which is doing an intrastate business in this state, shall before doing business in this state, in writing appoint an individual who is a resident of the state or a corporation which is authorized to do business and to act as such attorney in the state, and which individual or corporation has ~~having~~ an office or place of business therein, to be its true and lawful attorney upon whom all lawful processes in any action or proceedings against it may be served; and in such writing, which shall set forth ~~said attorney's place of residence~~ the address, including street and number, if any, of the office or place of business of said at-

torney in the state, shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on it, and that the authority shall continue in force so long as any liability remains outstanding against it in this state. The power of attorney and a copy of the vote authorizing its execution, duly certified and authenticated, shall be filed in the office of the secretary of state and copies certified by him shall be sufficient evidence thereof. Service of such process shall be made by leaving a copy of the process in the hands or in the office of said attorney, and such service shall be sufficient service upon the corporation. Such appointment shall continue in force until revoked by an instrument in writing, designating in a like manner some other ~~person~~ **attorney** upon whom ~~such~~ process may be served, which instrument shall be filed in the manner provided herein for the original appointment.

Any ~~person~~ **individual or corporation** who has been designated by a foreign corporation as its attorney may file with the secretary of state an instrument in writing that he ~~or it~~ is unwilling or unable to continue to act as such attorney of such foreign corporation. At the expiration of 30 days after the filing of such instrument with the secretary of state, the appointment of such ~~person~~ **individual or corporation** as such attorney shall terminate. Upon the filing of such instrument, the secretary of state forthwith shall give written notice by mail to such foreign corporation of the filing of such instrument and the effect thereof, which notice shall be addressed to such foreign corporation at its principal office as shown by the records of his office and such foreign corporation shall within 30 days thereafter designate some other ~~person~~ **or corporation** as its attorney as herein provided.'