

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

Published by the Secretary of State, agreeably to Resolves of
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 113

Returns to be made to state superintendent of public schools.

'Section 64. When any town shall have been required to pay and has paid tuition as aforesaid, the superintending school committee of such town shall make a return under oath to the state superintendent of public schools before the first day of September for the preceding school year, stating the name of each youth, for whom tuition has been paid, the amount paid for each, and the name and location of the school which each has attended, and thereupon shall be paid, annually in the month of December, from the state treasury out of the appropriation for the support of free high schools, to each town paying tuition and making return as aforesaid, a sum equal to two-thirds of the amount thus paid by such town, not exceeding five hundred dollars.'

Approved March 19, 1909.

Chapter 113.

An Act in respect of Foreign Corporations.

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

Foreign corporations before doing business in this state, shall appoint the secretary of state their lawful attorney.

Section 1. 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, shall before doing business in this state, in writing appoint the secretary of state and his successor in office to be its true and lawful attorney upon whom all lawful processes in any action or proceeding against it may be served, and in such writing 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, upon payment of a fee of ten dollars, be filed in the office of the secretary, and copies certified by him shall be sufficient evidence thereof. Service of such process shall be made by leaving a copy of the process and a fee of two dollars in the hands or in the office of the secretary, and such service shall be sufficient service upon the corporation.

—power of attorney and copy of vote shall be filed.

—fee.

CHAP. 113

Section 2. When legal process against any such corporation has been served upon the secretary, he shall immediately give notice to the corporation of such service by mail, postage prepaid, directed, in the case of a corporation established in a foreign country, to the resident manager, if any, in the United States; and shall, within two days after such service, in the same manner forward a copy of the process served upon him to such corporation or manager, or to any other person designated by the corporation by written notice filed in the office of the secretary. The fee of two dollars paid by the plaintiff to the secretary at the time of the service shall be taxed in his costs, if he prevails in the suit. The secretary shall keep a record of the day and hour of the service of all such processes.

Secretary of state shall notify corporation of service of legal process.

—fee.

—record of service.

Section 3. Every such foreign corporation, before transacting business in this state, shall, upon payment of the fee hereinafter provided, file with the secretary of state a copy of its charter, articles or certificate of incorporation, certified under the seal of the state or country in which such corporation is incorporated by the secretary of state thereof or by the officer having charge of the original record therein, a true copy of its by-laws, and a certificate in such form as the secretary of state may require, setting forth (a) the name of the corporation; (b) the location of its principal office; (c) the names and addresses of its president, treasurer, clerk or secretary and of the members of its board of directors; (d) the date of its annual meeting for the election of officers; (e) the amount of its capital stock authorized and issued, the number and par value of its shares, and the amount paid in thereon to its treasurer. Said certificate shall be subscribed and sworn to by its president, treasurer or clerk. The officers and directors of such corporation shall be subject to the same penalties and liabilities for false and fraudulent statements and returns as officers and directors of a domestic corporation. Every officer of such a corporation which fails to comply with the requirements of this section and of sections one and six, and every agent thereof who transacts business as such in this state shall, for such failure, be liable to a fine of not more than five hundred dollars. Such failure shall not affect the validity of any contract with such corporation, but no action shall be maintained or recovery had in any of the courts of this state by any such foreign corporation so long as it fails to comply with the requirements of said sections.

Shall file copy of certificate of incorporation before doing business.

—copy of by laws shall be filed.

—what certificate shall set forth.

—officers and directors subject to penalties.

—validity of contracts not affected.

CHAP. 113

Secretary may refuse to file papers or accept appointment as attorney.

Section 4. The secretary of state shall refuse to accept or file the charter, certificate or other papers of, or accept appointment as attorney for service for, any such corporation which does a business in this state, the transaction of which by domestic corporations is not then permitted by the laws of this state.

Shall file certificate of increase of capital stock.

Section 5. All such foreign corporations shall, within thirty days after the payment in of an increase of capital stock, upon payment of the fee hereinafter provided, file in the office of the secretary of state a certificate of the amount of such increase and the fact of such payment, signed and sworn to by its president, treasurer or clerk. Within thirty days after the vote of such corporation authorizing a reduction of its capital stock, a copy of such vote, signed and sworn to by the clerk of the corporation, shall, upon payment of the fee hereinafter provided, be filed in the office of the secretary of state.

—shall file certificate of decrease of capital stock.

Notice of change in certificate of incorporation shall be filed with secretary of state.

Section 6. Every such foreign corporation shall annually, within thirty days after the date fixed for its annual meeting last preceding the date of such certificate, or within thirty days after the final adjournment of said meeting, but not more than three months after the date so fixed for said meeting, prepare and file in the office of the secretary of state, upon payment of a fee of ten dollars, a certificate signed and sworn to by its president, treasurer or clerk showing the change or changes, if any, in the particulars included in the certificate required by section three made since the filing of said certificate or of the last annual report.

Penalty for violation of section 6.

Section 7. Any such foreign corporation which omits to file the certificate required by section six, shall forfeit to the state not less than five nor more than ten dollars for each day for fifteen days after the expiration of the period therein named, and not less than ten nor more than two hundred dollars for each day thereafter, during which such omission continues.

Secretary of state shall notify corporation upon failure to file required certificate.

Section 8. The secretary of state, upon the failure of any such corporation to file the certificate required by section six, shall forthwith notify such corporation, and the notice shall contain a copy of this and the two preceding sections, but failure on the part of the secretary of state to so notify shall not relieve any corporation of any of the duties or liabilities imposed thereon by this act.

Liability of officers.

Section 9. The officers of such foreign corporations shall be jointly and severally liable for all the debts and contracts of the corporation contracted or entered into while they are offi-

cers thereof, if any statement or report which is required by the provisions of this act is made by them which is false in any material representation and which they know to be false; but only the officers who sign such statement or report shall be so liable.

Approved March 19, 1909.

Chapter 114.

An Act to amend Section forty-eight of Chapter eight of the Revised Statutes, relating to taxation of Insurance Companies.

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

Section forty-eight of chapter eight of the revised statutes is hereby amended by striking out the whole of said section and substituting therefor the following:

Section 48,
chapter 8,
R. S.,
amended.

'Section 48. Every insurance company or association which does business or collects premiums or assessments in the state, except those mentioned in section forty-six, including surety companies and companies engaged in the business of credit insurance or title insurance, shall, as hereinafter provided, annually pay a tax upon all premiums received, whether in cash or in notes absolutely payable, on contracts made in the state for insurance of life, property or interest therein, at the rate of one and one-half per cent a year, provided, however, that no tax shall be required on account of any premium paid or assessment levied on policies of insurance issued on farm property.'

Foreign in-
surance
companies
shall pay
tax on
premiums.

—exception.

Approved March 19, 1909.

Chapter 115.

An Act to revise and consolidate the laws relating to the collection, examination, inspection and analysis of Agricultural Seeds, Concentrated Commercial Feeding Stuffs, Commercial Fertilizer, and Foods and Drugs.

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

Section 1. There shall be appropriated annually from the state treasury the sum of nine thousand dollars in favor of the Maine Agricultural Experiment Station, and the same shall be expended by the directors of said station in executing the provisions of the laws relating to the collection, examination, inspection and analysis of agricultural seeds, concentrated commercial feeding stuffs, commercial fertilizer, and foods and drugs. Payments of said appropriation shall be made quarterly upon the order of the governor and council,

Appropriation for
Maine Agri-
cultural Ex-
periment
station.