

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-fourth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-fourth Legislature

**1949**

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'The names of the electors shall not appear on the official ballot, but the names of the candidates for president and vice-president, respectively, of the political parties as defined by law shall appear at the head of their respective tickets.'

Sec. 2. R. S., c. 5, § 79, amended. Section 79 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 79. Votes, how received, returned and counted; secretary to send for delinquent returns; notice to persons elected. The votes shall be sorted, counted, declared and recorded; and the returns of the number of ballots and of the votes given for each ~~elector~~ candidate shall be made, according to the constitution and laws, to the secretary of state, on or before the 2nd Tuesday after such meeting; on said 2nd Tuesday, the governor and council shall be in session, and shall open, examine and count the returns of votes so made, and the secretary of state shall forthwith send a messenger to every city and town from which a return has not been received at his office for the purpose of procuring the wanting return and the governor and council shall again meet on the 3rd Tuesday following such election, and examine and count all the votes received from the several cities, towns and plantations and the votes of citizens in the military service lawfully returned into the office of the secretary of state; and they shall forthwith send a certificate of election to each person who has received the greatest number of all the votes returned, not exceeding the number to be chosen.

A vote for the candidates of any political party for both president and vice-president shall be conclusively deemed to be a vote for candidates of the same party for presidential electors, and shall be so counted and recorded for such electors as the state shall be empowered to elect.

The canvass of the votes for candidates for president and vice-president and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party, respectively, and the certificate of such election made by the governor and council shall be in accord with such return.'

Effective August 6, 1949

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## Chapter 5

### 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 49 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 attorney 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 the 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.'