

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-seventh Legislature

OF THE

# STATE OF MAINE

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

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~~herring in boxes in violation of this section shall forfeit 25¢ for each box so packed, sold or offered for sale; but this section does not apply to boxes of boneless herring.~~

Effective August 20, 1955

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## Chapter 24

### AN ACT Relating to Service on Foreign Corporations.

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

R. S., c. 53, § 127, amended. Section 127 of chapter 53 of the revised statutes is hereby amended by adding at the end thereof the following paragraphs:

'Any foreign corporation which does business in this State without appointing an agent as required by this section shall be deemed to have appointed the Secretary of State, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against such corporation, arising as a result of such corporation doing business in this State and such service shall be of the same legal force and validity as if otherwise served on such corporation.

Service of such process shall be made by leaving a copy thereof with a fee of \$2 in the hands of the Secretary of State, or in his office, and such service shall be sufficient service upon such foreign corporation; provided that notice of such service and a copy of the process are forthwith sent by registered mail by the plaintiff to the defendant corporation, and the defendant corporation's return receipt and the plaintiff's affidavit of compliance herewith are appended to writ and are filed with the Clerk of Courts in which the action is pending, or that such notice and copy are served upon an officer of such foreign corporation if found within the State, by an officer duly qualified to serve legal process, or, if found without the State, by any duly constituted public officer qualified to serve like process in the State or jurisdiction where such officer is found, and the officer's return showing such service to have been made is filed in the case on or before the return day of the process or within such further time as the court may allow. The court in which the action is pending may order such continuance as may be necessary to afford the defendant corporation reasonable opportunity to defend the action.'

Effective August 20, 1955

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## Chapter 25

### AN ACT Amending the Law Relating to Factors' Liens.

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

Sec. 1. R. S., c. 181, § 4, amended. The 1st paragraph of section 4 of chapter 181 of the revised statutes is hereby amended to read as follows:

'If so provided by any written agreement, all factors shall have a continuing general lien upon all materials, goods in process and merchandise from time to

time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not, and upon the proceeds resulting from the sale or other disposition of such materials, goods in process and merchandise, for all their loans and advances to or for the account of the person creating the lien, hereinafter called the borrower, together with interest thereon, and also for the commissions, obligations, indebtedness, charges and expenses properly chargeable against or due from said borrower and for the amounts due or owing upon any notes or other obligations given to or received by them for or upon account of any such loans or advances, interest, commissions, obligations, indebtedness, charges and expenses, and such lien shall be valid from the time of filing the notice hereinafter referred to, whether such materials, goods in process or merchandise shall be in existence at the time of the agreement creating the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower; ~~provided that there shall be placed and maintained on the door of, or in a conspicuous place at one of the principal entrances of the place of business or other premises in or at which such materials, goods in process and merchandise shall be located, kept or stored, the name of the factor in legible lettering and a designation of said factor as factor; and provided further that a notice of the lien is filed stating:~~

Sec. 2. R. S., c. 181, § 6, amended. The last sentence of section 6 of chapter 181 of the revised statutes is hereby amended to read as follows:

'When materials, goods in process or merchandise subject to the lien provided for by sections 4 to 11, inclusive, are sold in the ordinary course of the business of the borrower, such lien, whether or not the purchaser has knowledge of the existence thereof, shall terminate as to the materials, goods in process or merchandise and shall attach to the proceeds of such sale in the hands of the borrower without further act, writing or formality to the accounts receivable or proceeds of such sale in the hands of the borrower.'

Sec. 3. R. S., c. 181, § 9, amended. Section 9 of chapter 181 of the revised statutes is hereby amended to read as follows:

'Sec. 9. Common law lien. When any factor, or any third party for the account of any such factor, shall have possession of materials, goods in process or merchandise, such factor shall have a continuing general lien, as set forth in section 4, without recording the notice and posting the sign provided for in sections 4 to 11, inclusive.'

Effective August 20, 1955

## Chapter 26

### AN ACT Relating to Filing of Nomination Papers in Towns.

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

R. S., c. 91, § 54, amended. The first sentence of section 54 of chapter 91 of the revised statutes is hereby amended to read as follows:

'Certificates of nomination shall be filed with the town clerk of said town at least 8 days previous to the day of election and nomination papers shall be so filed at