

§113. Service of process on entities

1. Agent to receive service. A clerk or registered agent is an agent of the represented entity authorized to receive service of any process, notice or demand required or permitted by law to be served on the entity.

[PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]

2. Service to other than clerk or registered agent. If an entity that previously filed a clerk or registered agent filing with the Secretary of State no longer has a clerk or registered agent, or if its clerk or registered agent cannot with reasonable diligence be served, the entity may be served by registered or certified mail, return receipt requested, addressed to the governors of the entity by name at its principal office in accordance with any applicable judicial rules and procedures. The names of the governors and the address of the principal office may be as shown in the most recent annual report filed with the Secretary of State. Service is perfected under this subsection at the earliest of:

A. The date the entity receives the mail; [PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]

B. The date shown on the return receipt, if signed on behalf of the entity; or [PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]

C. Five days after its deposit with the United States Postal Service, if correctly addressed and with sufficient postage. [PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]
[PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]

3. Hand delivery. If process, notice or demand cannot be served on an entity pursuant to subsection 1 or 2, service of process may be made by handing a copy to the manager, clerk or other person in charge of any regular place of business or activity of the entity if the person served is not a plaintiff in the action.

[PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]

4. Form acceptable. Service of process, notice or demand on a clerk or a registered agent must be in the form of a written document, except that service may be made on a commercial clerk or commercial registered agent in such other forms of a record and subject to such requirements as the agent has stated from time to time in its listing under section 106 that it will accept.

[PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]

5. Perfected by other legal means. Service of process, notice or demand may be perfected by any other means prescribed by law other than this chapter.

[PL 2007, c. 323, Pt. A, §1 (NEW); PL 2007, c. 323, Pt. G, §4 (AFF).]

6. Service of criminal process on providers of electronic communication service or providers of remote computing service. A commercial clerk or registered agent of a provider is an agent of the provider authorized to receive service of a grand jury subpoena or a search warrant required or permitted by law to be served on the entity. Service of criminal process must be accomplished as provided in this subsection.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Criminal process" means a grand jury subpoena or search warrant issued pursuant to this section, Title 15, section 55 or 56 or Rule 17 or 17A of the Maine Rules of Unified Criminal Procedure.

(2) "Electronic communication service" means a service that provides to users the ability to send or receive spoken, wire or electronic communications.

(3) "Electronic communication service provider" or "provider of electronic communication service" means an entity that provides electronic communication service to the general public.

(4) "Provider" means an electronic communication service provider or a remote computing service provider.

(5) "Remote computing service" means computing storage or processing services provided by means of an electronic communication service.

(6) "Remote computing service provider" or "provider of remote computing service" means an entity that provides remote computing service to the general public.

(7) "Service of criminal process" means any service of a grand jury subpoena or search warrant. [PL 2017, c. 144, §1 (NEW).]

B. The authority granted in this subsection applies to criminal process served pursuant to Title 15, section 55 or 56, Rule 17 or 17A of the Maine Rules of Unified Criminal Procedure or any other provision of state or federal law upon a provider in accordance with paragraph C. [PL 2017, c. 144, §1 (NEW).]

C. For purposes of this subsection, criminal process is properly served if it is:

(1) Delivered by hand, or in a manner reasonably allowing for proof of delivery if delivered by United States mail, overnight delivery service or facsimile to a commercial clerk or commercial registered agent as provided in section 106; section 107, subsection 4; or this section;

(2) Delivered by specific means identified by the provider for service of criminal process, including, but not limited to, e-mail, facsimile or submission via an Internet web portal; or

(3) Delivered to the provider's place of business within the State.

If service is made pursuant to subparagraph (1) or (3) and the provider promptly notifies the law enforcement agency of the specific means of service identified by the provider pursuant to subparagraph (2) for criminal process, service must be made by the means of service specified by the provider if possible. [PL 2017, c. 144, §1 (NEW).]

D. Service of criminal process pursuant to this section governs party and nonparty recipients. [PL 2017, c. 144, §1 (NEW).]

[PL 2017, c. 144, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 323, Pt. A, §1 (NEW). PL 2007, c. 323, Pt. G, §4 (AFF). PL 2017, c. 144, §1 (AMD).

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