

MAINE STATE LEGISLATURE

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DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 21, 1978

To: Doris Hayes, Deputy Secretary of State
From: Donald G. Alexander, Deputy Attorney General
Re: Corporation Names

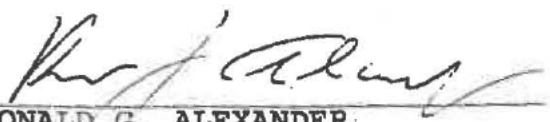
This responds to your request that we review our past position on certain similar corporation names. Specifically, it has been our position in the past that corporation names which were identical, except for the designation of a municipality, were sufficiently similar that only the first request for approval of such a name could be granted. Thus, when there existed a corporation named: "Mack Truck of Portland" or "Lums of Bangor", subsequent requests for approval of the names "Mack Truck of Lewiston" or "Lums of Augusta" would not be approved.

In light of the prevalence of franchise operations today, we deem it appropriate to modify our previous position on that issue to permit individual franchises of state-wide or nation-wide corporations to incorporate where the only difference in name of the corporation is the city of location of the particular franchise. Thus, in the future, we would not object to the Secretary of State permitting such corporate names as MacDonald's of South Portland, MacDonald's of Portland, and MacDonald's of Bangor.

However, for the present time, our modification of our previous position is limited to franchise operations. Thus, any corporation seeking a name differing only by municipality from another corporation should demonstrate that it is a franchise of a state-wide or nation-wide corporation in the same manner as the first named corporation. We would not extend this modification of our prior opinion to cover corporations not otherwise related but simply having the same name except

for the municipal designation (e.g., Joe's Beauty Shop of Winthrop and Joe's Beauty Shop of Augusta).

I hope this information is helpful.


DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec