

# MAINE STATE LEGISLATURE

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(Filing No. S-379)

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L.D. 1753

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STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 750, L.D. 1753, Bill,  
"AN ACT to Authorize One Corporation to Permit its Name to  
be Used by Another Corporation."

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Amend the Bill in section 1 by striking out everything  
after the amending clause and inserting in its place the  
following:

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'B. Shall not be the same as, or deceptively similar  
to, the name of any domestic corporation existing under  
the laws of this State or any foreign corporation  
authorized to transact business in this State, or a  
name the exclusive right to which is, at the time,  
reserved in the manner provided in this Act, or the  
name of a corporation which has in effect a registra-  
tion of its corporate name as provided in this Act, or  
the assumed name of a corporation as provided for in  
section 307, unless such other corporation executes and  
files with the Secretary of State as provided in sec-  
tions 104 and 106 proof of a resolution of its board of  
directors authorizing the use of a similar name by the  
corporation seeking to use such similar name, or unless  
the corporation seeking to file under a similar or  
identical name executes and files with the Secretary of  
State, as provided in sections 104 and 106, proof of a  
resolution of its board of directors that it will not  
do business under that similar or identical name, but  
instead will do business under an assumed name, as pro-  
vided for in section 307, which is not identical or  
similar to any corporate name or any reserved name,  
registered name or assumed name, or any trademark or  
service mark registered under Title 10, chapter 301-A;  
and

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Further amend the Bill in section 2, in the 9th line  
(page 2, line 21 of L.D.) by striking out the underlined  
words "or identical"

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Further amend the Bill by inserting at the end, before

1 COMMITTEE AMENDMENT " A" to S.P. 750, L.D. 1753

2 the statement of fact, the following:

3 'Sec. 3 13-A MRSA §303, sub-§1, as amended by PL 1979,  
4 c. 572, §10, is further amended to read:

5 1. Any Except as provided in section 301, subsection  
6 1, any corporation organized and existing under the laws of  
7 any state or territory of the United States may register its  
8 corporate name under this Act, provided its corporate name  
9 is not the same as, or deceptively similar to, the name of  
10 any domestic corporation existing under the laws of this  
11 State, or the name of any foreign corporation authorized to  
12 transact business in this State, or any corporate name  
13 reserved or registered under this Act, or any trademark or  
14 service mark registered under Title 10, chapter 301-A.'

15 STATEMENT OF FACT

16 This amendment deletes provisions from the bill that  
17 would have allowed one corporation to authorize another cor-  
18 poration to use an identical corporate name. Under this  
19 amendment a corporation may file under its true corporate  
20 name, even though its name is similar or identical to  
21 another corporate name, if it promises to do business under  
22 an assumed name.

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Reported by the Committee on Business Legislation.

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