

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1753

6
7 S. P. 750 Office of the Secretary of the Senate
8 Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

Reference to the Committee on Business Legislation suggested and
1,400 Ordered Printed.

9 MAY M. ROSS, Secretary of the Senate
10 Presented by Senator Devoe of Penobscot.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT to Authorize One Corporation to Permit**
18 **its Name to be Used by Another Corporation.**
19

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

21 **Sec. 1.** 13-A MRSA §301, sub-§1, ¶B, as last amended by
22 PL 1979, c. 572, §7, is further amended to read:

23 B. Shall not be the same as, or deceptively similar
24 to, the name of any domestic corporation existing under
25 the laws of this State or any foreign corporation
26 authorized to transact business in this State, or a
27 name the exclusive right to which is, at the time,
28 reserved in the manner provided in this Act, or the
29 name of a corporation which has in effect a registra-
30 tion of its corporate name as provided in this Act, or
31 the assumed name of a corporation as provided for in
32 section 307, unless such other corporation executes and
33 files with the Secretary of State as provided in sec-

1 tions 104 and 106 proof of a resolution of its board of
2 directors authorizing the use of a similar or identical
3 name by the corporation seeking to use such similar or
4 identical name, or unless the corporation seeking to
5 file under such similar or identical name executes and
6 files with the Secretary of State, as provided in sec-
7 tions 104 and 106, proof of a resolution of its board
8 of directors that it will not do business under that
9 similar or identical name, but instead will do business
10 under an assumed name, as provided for in section 307,
11 which is not identical or similar to any name previ-
12 ously reserved ; and

13 Sec. 2. 13-A MRSA §301, sub-§5, first sentence, as
14 amended by PL 1979, c. 572, §9, is further amended to read:

15 Any corporation may grant to any domestic corporation or any
16 foreign corporation authorized to transact business in this
17 State, or to any person, by executing and filing with the
18 Secretary of State, as provided in section ~~section~~ sections 104 and
19 106, proof of a resolution of its board of directors making
20 such grant, the exclusive right thereafter to authorize the
21 use of a name similar or identical to that of the granting
22 corporation by any other corporation or corporations, or
23 person for use as a name or as a trade mark or service mark
24 as defined in Title 10, chapter 301-A.

25 STATEMENT OF FACT

26 The purpose of this bill is to clarify the authority of
27 one corporation to permit its name to be used by another
28 corporation, and the authority of one corporation with a
29 name similar or identical to that of a name already reserved
30 by another corporation, to do business in Maine under a dif-
31 ferent assumed name.

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