

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document

No. 358

6
7 H.P. 299

House of Representatives, February 1, 1983

8 On Motion of Representative Brannigan of Portland referred to the Com-
9 mittee on Business Legislation. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Gauvreau of Lewiston.

Cosponsor: Representative Zirnkilton of Mount Desert.

11
12 STATE OF MAINE
13

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

17 AN ACT Relating to the Use of an Assumed
18 Name by a Nonprofit Corporation.
19

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

22 13-B MRSA §308 is enacted to read:

23 §308 Assumed name of corporation

24 1. Assumed name. As used in this section,
25 "assumed name" includes a trade name, the name of a
26 division not separately incorporated and not used in
27 conjunction with the true corporate name, and any
28 other name than the true name of a corporation.

29 2. Corporation or foreign corporation. Upon
30 complying with this section, any corporation or for-
31 ign corporation authorized to do business in this
32 State may transact its business in this State under
33 one or more assumed names.

1 3. Statement. Before transacting any business
2 in this State under an assumed name, the corporation
3 or foreign corporation shall execute and deliver for
4 filing, in accordance with sections 104 and 106, a
5 statement setting forth:

6 A. The corporate name and the address of its
7 registered office;

8 B. That it intends to transact business under an
9 assumed name;

10 C. The assumed name which it proposes to use;
11 and

12 D. If the assumed name is to be used at less
13 than all of the corporation's places of business
14 in this State, the locations where it will be
15 used. A separate statement shall be executed and
16 delivered for filing with respect to each assumed
17 name which the corporation proposes to use.

18 4. Compliance with statutes. Each assumed name
19 shall comply with the requirements of section 301,
20 subsection 1, except for the similarity with the true
21 corporate name of the corporation proposing the use
22 of the assumed name.

23 5. Noncompliance. If a corporation or foreign
24 corporation uses an assumed name without complying
25 with the requirements of this section, the continued
26 use thereof may be enjoined upon suit by the Attorney
27 General or by any person adversely affected by that
28 use.

29 6. Use of assumed name; suit. Notwithstanding
30 its compliance with the requirements of this section,
31 the use of an assumed name may be enjoined upon the
32 suit of the Attorney General or of any person
33 adversely affected by that use, if:

34 A. The assumed name did not, at the time the
35 statement required by subsection 3 was filed,
36 comply with the requirements of section 301, sub-
37 section 1; or

1 B. The assumed name is deceptively similar to a
2 name in which the plaintiff has prior rights by
3 virtue of the common law or statutory law of
4 unfair competition, unfair trade practices, com-
5 mon law copyright or similar law.

6 The mere filing of a statement pursuant to sub-
7 section 3 shall not constitute actual use of the
8 assumed name set out in subsection 3 for purposes of
9 determining priority of rights.

10

STATEMENT OF FACT

11 This bill provides for the use of an assumed name
12 by a nonprofit corporation.

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