

# MAINE STATE LEGISLATURE

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1 Upon reasonable request and within the existing ability of the  
2 office of the Secretary of State to respond, the filing officer  
3 shall furnish to any municipal clerk, without charge and for  
4 municipal purposes only, a copy of any filed financing statement,  
5 continuation statement, termination statement, statement of  
6 assignment or statement of release.

7  
8 **Sec. 7. 13-A MRSA §104, sub-§1, ¶A,** as enacted by PL 1971, c.  
9 439, §1, is amended to read:

11 A. In the case of articles of incorporation, by the  
12 incorporator or incorporators;

13  
14 **Sec. 8. 13-A MRSA §104, sub-§1, ¶B,** as amended by PL 1971, c.  
15 565, §9, is further amended to read:

17 B. In the case of other documents:

19 (1) By the clerk; or

21 (2) By the president or a vice-president, and by the  
22 secretary or an assistant secretary or such other  
23 officer as the bylaws may designate as a second  
24 certifying officer; or

25 (3) If there are no such officers, then by a majority  
26 of the directors or by such directors as may be  
27 designated by a majority of directors then in office;  
28 or

31 (4) If there are no such directors, then by the  
32 holders, or such of them as may be designated by the  
33 holders, of record of a majority of all outstanding  
34 shares entitled to vote thereon; or

35 (5) By the holders of all of the outstanding shares of  
36 the corporation; and

39 **Sec. 9. 13-A MRSA §104, sub-§1, ¶C** is enacted to read:

41 C. In the case of annual reports, as provided in section  
42 1301, subsection 3.

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44 **Sec. 10. 13-A MRSA §106, sub-§1, ¶D,** as enacted by PL 1971, c.  
45 439, §1, is amended to read:

47 D. Upon delivery of the document and upon tender of the  
48 required fees, if he the Secretary of State finds that the  
49 document conforms to the requirements of rules promulgated  
50 in accordance with this Act, the Secretary of State shall  
51 certify that the document has been filed in his the  
Secretary of State's office by endorsing thereon the word

1 "filed" and the day, month and year thereof, and by signing  
2 or initialing such endorsement in person or by agent; if the  
3 person delivering the document for filing so requests, such  
4 endorsement shall further include the hour and minute of the  
5 filing of the document. Such endorsement shall be known as  
6 the "filing date" of the document, and shall be conclusive  
7 of the date, and the time if included in the endorsement, of  
8 filing in the absence of actual fraud. An identifying mark  
9 may be used in lieu of signing or initialing. The filing  
10 date shall be the date first received unless otherwise  
11 specified by law or rule. The Secretary of State shall  
12 thereafter file and index the original;

13 **Sec. 11. 13-A MRSA §106, sub-§1, ¶¶G and H** are enacted to read:

14 G. The Secretary of State may promulgate rules permitting  
15 the filing of documents by electronic transmission and  
16 permitting facsimile signatures on documents to be filed; and

17 H. The Secretary of State's duty to file documents under  
18 this section is ministerial. The Secretary of State's  
19 filing or refusing to file a document does not, except as  
20 otherwise provided by law or rule:

21 (1) Affect the validity or invalidity of the document  
22 in whole or part;

23 (2) Relate to the correctness or incorrectness of  
24 information contained in the document; or

25 (3) Create a presumption that the document is valid or  
26 invalid or that the information contained in the  
27 document is correct or incorrect.

28 **Sec. 12. 13-A MRSA §301, sub-§1**, as amended by PL 1983, c. 86,  
29 §1, is further amended to read:

30 1. The corporate name:

31 A. Shall not contain any word or phrase which indicates or  
32 implies that it is organized for any purpose for which a  
33 corporation may not be organized under this Act;

34 B. Shall not be the same as, or deceptively similar to, the  
35 name of any domestic corporation existing under the laws of  
36 this State or any foreign corporation authorized to transact  
37 business or to carry on activities in this State, or a name  
38 the exclusive right to which is, at the time, reserved in  
39 the manner provided in this Act, or in Title 13-B, section  
40 302, or the name of a corporation which has in effect a  
41 registration of its corporate name as provided in this Act,

1 shall ~~suspend~~ revoke a foreign corporation's authority to do  
3 business in this State and suspend a domestic corporation from  
5 doing business. The Secretary of State shall use the procedures  
7 set forth in section 1210, relative to ~~suspending~~ revoking the  
9 right of foreign corporations to do business in this State, for  
11 suspending domestic corporations. A foreign corporation whose  
13 authority to do business in this State has been revoked suspended  
15 from doing business under this subsection and which wishes to do  
17 business again in this State must be authorized as provided in  
19 section 1202. A domestic corporation which has been suspended  
21 under this subsection may be reinstated by filing the current  
23 annual report and by paying the penalty accrued.

25 **Sec. 27. 13-A MRSA §1401**, as amended by PL 1987, c. 561, §4  
27 and c. 565, is further amended to read:

29 **§1401. Fees for filing documents and services**

31 In addition to any fees required by sections 1402 and 1403,  
33 the Secretary of State shall charge the following fees for filing  
35 documents required or permitted to be filed in ~~his~~ the Secretary  
37 of State's office by this Act, and for services specified herein:

39 1. Proof of a resolution of a corporation's board of  
41 directors authorizing the use of a similar name by a new  
43 corporation, as provided by section 301, subsection 1, paragraph  
45 B, ~~\$10~~ \$15;

47 2. Application to reserve corporate name, as provided by  
49 section 302, ~~\$10~~ \$15;

51 3. Notice of transfer of a reserved corporate name, as  
53 provided by section 302, ~~\$10~~ \$15;

55 4. Application to register corporate name as provided by  
57 section 303, ~~\$10~~ \$15 per month for the number of months or  
59 fraction thereof remaining in the calendar year when first filed;

61 5. Application to renew the registration of a registered  
63 name, as provided by section 303, ~~\$100~~ \$150;

65 6. A statement changing the clerk of a corporation, as  
67 provided by section 304, subsection 3 or 5, ~~\$10~~ \$15;

69 7. Notice of resignation of a clerk of a corporation, as  
71 provided by section 304, subsection 4, ~~\$10~~ \$15;

73 8. Statement of change of registered office, as provided by  
75 section 304, subsection 6, ~~\$10~~ \$15 for each corporation listed;  
77 or when separate statements are filed at one time, ~~\$10~~ \$15 for

1 each separate statement up to but not exceeding 100 statements,  
2 \$5 for each separate statement over 100 but not exceeding 200  
3 statements, and \$2 for each separate statement over 200  
4 statements;

5  
6 9. Accompanying service of process upon the Secretary of  
7 State as agent of a domestic corporation, as provided by section  
8 305, or accompanying service of process upon the Secretary of  
9 State as agent of nonresident director of a domestic corporation,  
10 as provided by section 306, or accompanying service of process  
11 upon the Secretary of State as agent of a foreign corporation  
12 pursuant to section 1217, ~~\$10~~ \$15 for each such process;

13  
14 10. Notice of resignation of a nonresident director, as  
15 provided by section 306, subsection 4, ~~\$10~~ \$15;

16  
17 11. Assumed name statement, as provided by section 307, \$75  
18 \$100;

19  
20 12. Articles of incorporation, as provided by section 402,  
21 \$75, plus the fee based on the capital stock specified in section  
22 1403;

23  
24 13. Statement of a director's resolution establishing and  
25 designating series and fixing and determining the relative rights  
26 and preferences thereof, as provided by section 503, ~~\$10~~ \$15;

27  
28 14. Statement of cancellation of redeemable shares, as  
29 provided by section 520, or statement of cancellation of other  
30 reacquired shares, as provided by section 521, ~~\$10~~ \$15;

31  
32 15. Articles of amendment, as provided by section 803, 805  
33 or 810, ~~\$15~~ \$30; and if the amendment increases the total  
34 authorized capital stock, the additional amount specified in  
35 section 1403, subsection 3, but not less than an additional ~~\$15~~  
36 \$30; and if it changes the corporation's purposes, a further  
37 additional amount of \$20;

38  
39 16. Restated articles of incorporation, as provided by  
40 section 809, ~~\$50~~ \$75; if the restated articles include an  
41 amendment which effects an increase in the total authorized  
42 capital stock, the additional amount specified in section 1403,  
43 subsection 3, but not less than an additional ~~\$15~~ \$30; and if  
44 they change the purposes of the corporation, a further additional  
45 amount of \$20;

46  
47 17. Articles of merger or consolidation pursuant to  
48 shareholder approval, as provided by section 903, ~~\$50~~ \$75; and if  
49 the merger or consolidation increases the total authorized  
capital stock, the additional amount specified in section 1403,

1 subsection 4, but not less than an additional ~~\$15~~ \$30; and if it  
3 changes the corporation's purposes, a further additional amount  
of \$20;

5 18. Articles of merger of subsidiary into parent without  
7 shareholder approval, as provided by section 904, ~~\$50~~ \$75;

9 19. Articles of merger or consolidation of domestic and  
11 foreign corporations, as provided by section 906, ~~\$50~~ \$75, if the  
13 new or surviving corporation is a foreign corporation, plus the  
appropriate fee for authority to do business in this State, if  
15 not previously so authorized; if the new or surviving corporation  
is a domestic corporation, the same sum as would be required for  
the merger or consolidation of domestic corporations;

17 20. Document required by section 906, subsection 4,  
19 paragraph B in the event that the surviving or new corporation is  
a foreign corporation, no fee in addition to that specified in  
the preceding subsection;

21 21. Articles of dissolution, as provided by section 1101 or  
23 1110, ~~\$20~~ \$30;

25 22. Statement of intent to dissolve as provided by section  
1102 or 1103, ~~\$10~~ \$15;

27 23. Statement of revocation of voluntary dissolution  
29 proceedings, as provided by section 1107 or 1108, ~~\$10~~ \$15;

31 24. Application of a foreign corporation for authority to  
do business in the State, as provided by section 1202, ~~\$100~~ \$175;

33 26. Articles of merger of a foreign corporation, as  
35 provided by section 1206, ~~\$25~~ \$30;

37 27. An amendment to a foreign corporation's application for  
39 authority to do business in this State as provided by section  
1207, ~~\$15~~ \$30;

41 28. An application of a foreign corporation for surrender  
of its authority, as provided by section 1208, ~~\$15~~ \$30;

43 29. Statement of a foreign corporation's termination of  
45 existence, as provided by section 1209, ~~\$15~~ \$30;

47 30. Annual report of a domestic or foreign corporation, as  
provided by section 1301, ~~\$40~~ \$60;

49 31. A certificate of resumption of business, as provided by  
51 section 1301, subsection 5, ~~\$50~~ \$75;

1           32. For issuing a short form certificate of change of name  
or of consolidation or merger, as provided by section 1307, \$10  
3     \$20 per certificate. For issuing a short form certificate of  
corporate condition \$10 \$20 per certificate. For issuing a long  
5     form certificate of corporate condition, listing amendments, \$20  
\$30 per certificate for a diligent search, \$25 \$40;

7  
9           33. Statement of change of registered office or registered  
agent or both, as provided by section 1212, subsection 2, \$10 \$15;

11           34. Statement of change of address of registered agent, as  
provided by section 1212, subsection 2-A, \$10 \$15 for each  
13     foreign corporation listed; or when separate statements are filed  
at one time, \$10 \$15 for each separate statement up to but not  
15     exceeding 100 statements, \$5 for each separate statement over 100  
but not exceeding 200 statements, \$2 for each separate statement  
17     over 200 statements; and

19           35. Any other documents not herein specifically provided  
for, \$10, \$15; and

21           36. Report of name search as provided by section 301,  
23     subsection 6, \$5.

25           **Sec. 28. 13-A MRSA §1402, sub-§3**, as enacted by PL 1971, c.  
439, §1, is amended to read:

27  
29           3. The Secretary of State shall furnish to any person a  
copy of any document filed under this Act or retained in file,  
31     having been filed under a predecessor to this Act; for locating,  
copying and certifying a document subsequent to its filing, the  
33     Secretary of State shall charge a fee of \$1 \$2 per page. The  
Secretary of State may reduce the fee for governmental bodies.

35           **Sec. 29. 13-A MRSA §1403, sub-§1, ¶A**, as enacted by PL 1971,  
c. 439, §1, is further amended to read:

37           A. If the corporation is to have authorized stock having  
39     par value:

41           (1) If the aggregate par value of all authorized stock  
having par value does not exceed \$2,000,000, a fee of  
43     \$10 \$30 for each \$100,000 or fraction thereof of  
aggregate par value; or

45           (2) If the aggregate par value of all authorized stock  
having par value is more than \$2,000,000, but does not  
47     exceed \$20,000,000, a fee of \$200 \$600 plus \$50 \$150  
49     per million dollars or fraction thereof of aggregate  
par value in excess of \$2,000,000; or

51

1 (3) If the aggregate par value of all authorized stock  
3 having par value exceeds \$20,000,000, a fee of \$1,100  
5 \$3,300 plus \$20 \$70 per million dollars or fraction  
thereof of aggregate par value in excess of  
\$20,000,000; and

7 **Sec. 30. 13-A MRSA §1403, sub-§1, ¶B**, as repealed by PL 1981,  
9 c. 583, is repealed and the following enacted in its place:

11 B. If the corporation is to have authorized stock without  
par value:

13 (1) If there are authorized not over 20,000 shares  
15 without par value, a fee of one cent per share without  
par value, but not less than \$30; or

17 (2) If there are authorized more than 20,000 shares  
19 without par value but not more than 2,000,000, a fee of  
21 \$200 plus 1/2 cent per authorized share without par  
value in excess of 20,000; or

23 (3) If there are authorized more than 2,000,000 shares  
25 without par value, a fee of \$10,200 plus 1/4 cent per  
authorized share without par value in excess of  
2,000,000;

27 **Sec. 31. 13-A MRSA §1403-A** is enacted to read:

29 **§1403-A. Expedited service**

31 The Secretary of State may provide an expedited service for  
33 the processing of documents in accordance with this Act. A fee  
schedule shall be established and rules promulgated to set forth  
35 the procedures governing this expedited service.

37 **Sec. 32. 13-A MRSA §1404**, as enacted by PL 1971, c. 439, §1,  
is amended to read:

39 **§1404. Remittance to Treasurer of State**

41 All fees collected as provided by this chapter shall be  
43 remitted to the Treasurer of State for the use of the State with  
the exception of those fees collected under section 1403-A which  
45 shall be deposited into a fund for use by the Secretary of State  
in providing an improved filing service.

47 **Sec. 33. 13-B MRSA §104, sub-§1, ¶B**, as enacted by PL 1977, c.  
49 525, §13, is amended to read:

51 B. In the case of other documents:

(1) By the clerk or secretary;



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(2) By the president or a vice-president and by the secretary or an assistant secretary, or such other officer as the bylaws may designate as a 2nd certifying officer;

(3) If there are no such officers, then by a majority of the directors or by such directors as may be designated by a majority of directors then in office; or

(4) If there are no such directors, then by the members or such of them as may be designated by the members at a lawful meeting; or

**Sec. 34. 13-B MRSA §104, sub-§1, ¶C is enacted to read:**

C. In the case of annual reports, as provided in section 1301, subsection 3:

**Sec. 35. 13-B MRSA §106, sub-§1, ¶D, as enacted by PL 1977, c. 525, §13, is amended to read:**

D. Upon delivery of the document and upon tender of the required fees, if the Secretary of State finds that the document conforms to the requirements of rules promulgated in accordance with this Act, he the Secretary of State shall certify that the document has been filed in his the Secretary of State's office by endorsing thereon the word "filed" and the day, month and year thereof, and by signing or initialing such endorsement in person or by agent; if the person delivering the document for filing so requests, such endorsement shall further include the hour and minute of the filing of the document. Such endorsement shall be known as the "filing date" of the document and shall be conclusive of the date, and the time if included in the endorsement, of filing in the absence of actual fraud. An identifying mark may be used in lieu of signing or initialing. The filing date shall be the date first received unless otherwise specified by law or rule. The Secretary of State shall thereafter file and index the original;

**Sec. 36. 13-B MRSA §106, sub-§§5 and 6 are enacted to read:**

5. Rulemaking. The Secretary of State may promulgate rules permitting the filing of documents by electronic transmission and permitting facsimile signatures on documents to be filed; and

6. Document filing. The Secretary of State's duty to file documents under this section is ministerial. The Secretary of State's filing or refusing to file a document does not, except as otherwise provided by law or rule:

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A. Affect the validity or invalidity of the document in whole or part;

B. Relate to the correctness or incorrectness of information contained in the document; or

C. Create a presumption that the document is valid or invalid or that the information contained in the document is correct or incorrect.

**Sec. 37. 13-B MRSA §301, sub-§1**, as amended by PL 1983, c. 86, §3, is further amended to read:

**1. Name.** The corporate name:

A. Shall not contain any word or phrase which indicates or implies that it is organized for any purpose for which a corporation may not be organized under this Act;

B. Shall not be the same as, or deceptively similar to, the name of any domestic business or nonprofit corporation existing under the laws of this State or any foreign corporation authorized to transact business or nonprofit corporation authorized to carry on activities in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in this Act, or in Title 13-A, section 302, or the name of a business or nonprofit corporation which has in effect a registration of its corporate name, or the assumed name of a business corporation as provided for in Title 13-A, section 307, or of a nonprofit corporation as provided in section 308, unless the other corporation executes and files with the Secretary of State proof of a resolution of its board of directors authorizing the use of a similar name by the corporation seeking to use that similar name; and

C. Shall not be the same as, or deceptively similar to, any mark registered under Title 10, chapter 301-A; and

D. Shall not be the same as, or deceptively similar to, the name of any department, bureau or other agency of the State.

The Secretary of State may promulgate rules setting forth criteria to define "deceptively similar."

**Sec. 38. 13-B MRSA §301, sub-§5** is enacted to read:

5. Name search service. To assist the public in determining the availability of a corporate name, the Secretary of State may make available to the public a name search service. Name searches conducted by the Secretary of State shall be

1 preliminary in nature and shall not reserve or register a  
2 corporate name nor assure the availability of a corporate name.

3 **Sec. 39. 13-B MRSA §305, sub-§4** is enacted to read:  
4

5 4. Suspension. The Secretary of State shall suspend the  
6 authority of a nonprofit corporation if:

7 A. The corporation has failed to appoint and maintain a  
8 registered agent in this State as required by section 304; or

9 B. The corporation has failed, after change of its  
10 registered office or registered agent, to file in the office  
11 of the Secretary of State a statement of that change as  
12 required by this section.

13 A corporation which has been suspended under this subsection may  
14 be reinstated by filing the proper notification of change of  
15 agent or registered office or both with the Secretary of State  
16 and paying a penalty of \$10.

17 **Sec. 40. 13-B MRSA §404, sub-§1**, as enacted by PL 1977, c.  
18 525, §13, is amended to read:  
19

20 **1. Filing.** When the articles of incorporation are  
21 delivered for filing by the Secretary of State, he the Secretary  
22 of State shall, before filing them, determine that the articles:

23 A. Comply with the requirements of sections 104 and 106;

24 B. Set forth the information required by sections 402 and  
25 403; and

26 C. Do not adopt as the name of the corporation a name which  
27 is in violation of section 301;--and .

28 D. ~~Appear in all other respects to conform to the~~  
29 ~~requirements of this Act and to law.~~

30 **Sec. 41. 13-B MRSA §1210, sub-§§2 and 3**, as enacted by PL 1977,  
31 c. 525, §13, are amended to read:  
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33 **2. Secretary of State to mail revocation of authority.** The  
34 authority of a foreign corporation shall be revoked only after  
35 the Secretary of State shall have mailed to the corporation's  
36 last registered office in this State and to its last registered  
37 or principal office in its jurisdiction of incorporation at least  
38 60 30 days' notice of impending revocation of its authority to  
39 carry on activities in this State, including a specification of  
40 the default, and the corporation shall fail, prior to revocation,  
41 to cure the default specified in such notice.  
42

1           **3. Certificate revoked.** After the expiration of the 60-day  
2 30-day period, if the foreign corporation has not cured the  
3 default or, as to the ground for revocation specified in  
4 subsection 1, paragraph E, convinced the Secretary of State, by  
5 affidavit or otherwise, that there was no such misrepresentation,  
6 the Secretary of State shall issue and file ~~his~~ a certificate  
7 revoking the foreign corporation's authority to carry on  
8 activities in this State, and shall mail copies thereof to the  
9 corporation's last registered office in this State and to its  
10 last registered or principal office in its jurisdiction of  
11 incorporation.

13           **Sec. 42. 13-B MRSA §1212, sub-§3,** as enacted by PL 1977, c.  
14 525, §13, is amended to read:

15           **3. Written notice of resignation.** Any registered agent of a  
16 foreign corporation may resign as such an agent by filing a  
17 written notice of resignation with the Secretary of State, and by  
18 mailing a copy thereof of the notice to the corporation at its  
19 last registered or principal office in its jurisdiction of  
20 incorporation, as filed with the Secretary of State. The  
21 appointment of such an agent shall terminate ~~30-days-after-upon~~  
22 the date of the filing of such the notice by the Secretary of  
23 State.

25           **Sec. 43. 13-B MRSA §1301, sub-§3,** as enacted by PL 1977, c.  
26 525, §13, is amended to read:

27           **3. Execution.** The biennial report shall be executed as  
28 provided by section 104, except that signing by any one of the  
29 president, a vice-president, the secretary, the treasurer ~~or,~~ an  
30 assistant secretary, or any other duly authorized individual,  
31 without a 2nd signature, shall be deemed valid under section 104,  
32 subsection 1, paragraph B, subparagraph (2).

33           **Sec. 44. 13-B MRSA §1401, sub-§28,** as enacted by PL 1979, c.  
34 127, §110, is amended to read:

35           **28. Other documents.** Any other documents not herein  
36 specifically provided for, \$5; and

37           **Sec. 45. 13-B MRSA §1401, sub-§29,** as enacted by PL 1979, c.  
38 127, §111, is amended to read:

39           **29. Statement of change.** Statement of change in registered  
40 office or agent, as provided in section 1212, subsection 2, \$5  
41 for each foreign corporation listed; or when separate statement  
42 are filed at one time, \$5 for each separate statement up to but  
43 not exceeding 100 statements, \$2 for each separate statement over  
44 100 but not exceeding 200 statements, \$1 for each statement over  
45 200 statements; and

1           **Sec. 46. 13-B MRSA §1401, sub-§30** is enacted to read:

3           30. Report of name search. Report of name search as  
5           provided by section 301, subsection 5, \$5.

7           **Sec. 47. 13-B MRSA §1402, sub-§1**, as enacted by PL 1977, c.  
9           525, §13, is amended to read:

11           1. **Secretary of State to furnish copies.** The Secretary of  
13           State shall furnish to any person a copy of any document filed  
15           under this Act or retained in file, having been filed under a  
predecessor to this Act; for locating, copying and certifying a  
document subsequent to its filing, the Secretary of State shall  
charge a fee of ~~\$1~~ \$2 per page. The Secretary of State may  
reduce the fee for governmental bodies.

17           **Sec. 48. 31 MRSA §152, sub-§1, ¶B**, as amended by PL 1977, c.  
19           319, §1, is further amended to read:

21           B. File for record the certificate in the office of the  
23           Secretary of State. The fee for filing said certificate  
shall be ~~\$25~~ \$100.

25           **Sec. 49. 31 MRSA §175, sub-§5, ¶B**, as amended by PL 1977, c.  
27           319, §2, is further amended to read:

29           B. A certified copy of the order of court in accordance  
with subsection 4.

31           The fee for filing said certificate shall be ~~\$25~~ \$150.

33           **Sec. 50. 31 MRSA §181, sub-§§1 and 2**, as enacted by PL 1973, c.  
35           365, are amended to read:

37           1. **Qualification.** Any limited partnership heretofore or  
39           hereafter formed in accordance with the laws of another state  
shall be treated as having all of the attributes accorded by the  
laws of such other state, excepting the right to exercise any  
powers not exercisable by resident limited partnerships, and  
shall be qualified to transact business within this State, only  
after it shall have filed with the Secretary of State an attested  
copy of its current certificate of limited partnership as amended  
and filed in the state of its formation, together with a  
statement on forms prescribed or furnished by the Secretary of  
State signed and sworn to by a general partner setting forth its  
business address within this State and the name and address of an  
individual resident of this State upon whom process against such  
limited partnership may be served. The filing fee for such  
certified copy and statement shall be ~~\$10~~ \$50.

51           2. **Amendments.** Any change in such limited partnership or  
its partners shall be effective within this State only after

1 filing with the Secretary of State an attested copy of its  
 2 amended certificate of limited partnership, and any change in its  
 3 business address within this State or its resident agent for  
 4 service of process shall be effective only after filing with the  
 5 Secretary of State a certificate of such change signed and sworn  
 6 to by a general partner, for each of which the filing fee shall  
 7 be \$5 ~~\$25~~.

9 **Sec. 51. Appropriation.** The following funds are appropriated  
 10 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
<b>SECRETARY OF STATE, DEPARTMENT OF</b>		
<b>Administration</b>		
	(9)	(9)
17 Positions		
19 Personal Services	\$386,382	\$402,945
20 All Other	300,600	157,100
21 Capital Expenditures	427,035	103,500

23 Provides for a reorganization  
 24 of the Division of Public  
 25 Administration. Funds are  
 26 provided for 9 positions as  
 27 follows: the classified  
 28 positions of Name  
 29 Availability Specialist;  
 30 Clerk IV; Office  
 31 Receptionist; Accountant II;  
 32 and Computer Systems Manager;  
 33 and the unclassified  
 34 positions of Municipal  
 35 Coordinator; Director,  
 36 Corporations; Director,  
 37 Rules, Commissions and  
 38 Administration; and Assistant  
 39 Deputy for Public Records.

41 Funds also provide for  
 42 employee reclassifications,  
 43 temporary positions and  
 44 equipment support.

45	<b>DEPARTMENT OF SECRETARY OF STATE</b>	
46		_____
47	<b>TOTAL</b>	<b>\$1,114,017      \$663,545</b>

49 **Emergency clause.** In view of the emergency cited in the  
 50 preamble, this Act shall take effect when approved.

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## STATEMENT OF FACT

This bill results from an organizational study of the Department of the Secretary of State, Division of Public Administration which is responsible for the conduct of state elections, administration of Maine's corporate business filings, notaries, commissions and the Maine Revised Statutes, Maine Administrative Procedure Act, Title 5, chapter 375. The organizational study disclosed a need to streamline operations and clarify service. This bill amends the law and clarifies that the Secretary of State has a ministerial function regarding corporate filings, enables the division to provide expedited service and simplifies the filing and acceptance of all corporate filings.

In addition, the bill increases filing fees, primarily corporate filing fees, to fund a required reorganization. Funding is provided for essential resource support in the areas of staff, office equipment and information systems. These funds are necessary to ensure sound program operations and services to Maine's business community.

Total revenues to the General Fund for fiscal year 1989-90 are approximately \$1,136,000 and \$1,339,000 in fiscal year 1990-91 for a combined revenue total for the biennium of \$2,475,000. Appropriations total \$1,114,017 in fiscal year 1989-90 and \$663,545 in fiscal year 1990-91 for a combined total of \$1,777,562 for the biennium.