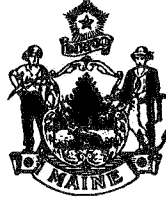


# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 1400

---

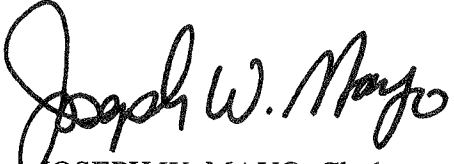
H.P. 1008

House of Representatives, March 11, 1997

**An Act to Provide Notice of Municipalities When a For-profit Corporation Intends to Obtain Nonprofit Status.**

---

Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative LABRECQUE of Gorham.  
Cosponsored by Representatives: BIGL of Bucksport, CHIZMAR of Lisbon, PENDLETON of Scarborough, SAVAGE of Union, WINGLASS of Auburn, Senator: CLEVELAND of Androscoggin.

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

4 **Sec. 1. 13-B MRSA §403-A** is enacted to read:

6 **§403-A. Notice of intent to file**

8 A corporation incorporated under Title 13-A that intends to  
10 file articles of incorporation under this Title must send a  
12 statement of its intent to incorporate as a nonprofit corporation  
14 to the municipal officers of any municipality in which the  
16 corporation owns real property, or to the Maine Land Use  
Regulation Commission if the corporation owns property in the  
unorganized territories, at least 30 days before delivering the  
articles of incorporation to the Secretary of State for filing  
pursuant to section 404.

18 **Sec. 2. 13-B MRSA §404, sub-§1**, as amended by PL 1989, c. 501,  
Pt. L, §40, is further amended to read:

20 **1. Filing.** When the articles of incorporation are  
22 delivered for filing by the Secretary of State, the Secretary of  
24 State shall, before filing them, determine whether the notice  
requirement under section 403-A applies and, if it does, whether  
it was met, and determine that the articles:

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

28 B. Set forth the information required by sections 402 and  
30 403; and

32 C. Do not adopt as the name of the corporation a name which  
that is in violation of section 301.

34 **SUMMARY**

36  
38 This bill requires that a for-profit corporation intending  
40 to reorganize as a nonprofit corporation must notify the local  
officials in any municipality or unorganized territory in which  
it owns real property at least 30 days before it files articles  
of incorporation with the Secretary of State for nonprofit status.