

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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months, and this sum shall be a credit against future monthly reports of that packer.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on June 1, 1983.

Effective June 1, 1983.

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## CHAPTER 86

H.P. 870 - L.D. 1118

### AN ACT Relating to the Use of Assumed Names by Corporations.

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

Sec. 1. 13-A MRSA §301, sub-§1, ¶B, as amended by PL 1981, c. 544, §1, is further amended to read:

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 or 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-B, section 302, or the name of a corporation which has in effect a registration of its corporate name as provided in this Act, or in Title 13-B, section 303, or the assumed name of a corporation as provided for in section 307, or in Title 13-B, section 308, unless ~~such~~ the other corporation executes and files with the Secretary of State as provided in sections 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~~ the 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 provided 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

Sec. 2. 13-A MRSA §302, sub-§6 is enacted to read:

6. Interim reservation. Notwithstanding the requirements of subsection 2, any person may, for a period of 10 days, reserve the exclusive right to the use of a corporate name in the name of a corporation or a person meeting the requirements of subsection 1. A reservation established pursuant to this subsection may not be renewed in the name of that corporation or person for 30 days from the date of that reservation.

In addition to other permitted filings, a reservation for 120 days may be made during this 10-day period.

Sec. 3. 13-B MRSA §301, sub-§1, ¶B, as amended by PL 1979, c. 572, §11, is further amended to read:

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 business 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 as provided in this Act, 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 Title 13-B, section 308, unless such 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 such that similar name; and

Sec. 4. 13-B MRSA §308 is enacted to read:

§308. Assumed name of corporation

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

2. Corporation or foreign corporation. Upon complying with this section, any corporation or foreign corporation authorized to carry on activities in this State may carry on its activities in this State under one or more assumed names.

3. Statement. Before carrying on any activities in this State under an assumed name, the corporation or foreign corporation shall execute and deliver for filing, in accordance with sections 104 and 106, a statement setting forth:

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

B. That it intends to carry on activities under an assumed name;

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

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

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

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

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

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

B. The assumed name is deceptively similar to a name in which the plaintiff has prior rights by virtue of the common law or statutory law of unfair competition, unfair trade practices, common law copyright or similar law.

The mere filing of a statement pursuant to subsection 3 shall not constitute actual use of the assumed name set out in subsection 3 for purposes of determining priority of rights.

Sec. 5. 13-B MRSA §1401, sub-§10-A is enacted to read:

10-A. Assumed name statement. Assumed name statement, as provided by section 308, §5;

Effective September 23, 1983.

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## CHAPTER 87

S.P. 366 - L.D. 1121

### AN ACT to Amend the Consumer Credit Code Regarding Mobile Homes.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the law regarding the maximum rate of interest chargeable on consumer loans to finance mobile homes was modified last year so that the maximum rate became tied to mortgage rates of the Federal Housing Administration and the Veterans' Administration; and

Whereas, the effect of this change has been to effectively eliminate any form of mobile home dealer financing; and

Whereas, it is now more difficult for certain Maine consumers to obtain loans for purchasing mobile homes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 9-A MRSA §2-201, sub-§10, as enacted by PL 1981, c. 618, §3, is repealed and the following enacted in its place:

10. Notwithstanding any other subsection, the finance charge on a mobile home transaction may not exceed the greater of the following: