

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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**Sec. 10.** 39 MRSA §194-B, sub-§8, ¶C, as amended by PL 1985, c. 372, Pt. A, §48, is repealed and the following enacted in its place:

C. If an employee becomes incapacitated or dies on or after October 1, 1983, but before June 30, 1985, then compensation shall be payable in the same manner and amounts as provided in former sections 54, 55 and 58. If an employee becomes incapacitated or dies on or after June 30, 1985, but before the effective date of this paragraph, then compensation shall be payable in the same manner and amount as provided in former sections 54-A, 55-A and 58-A. If an employee becomes incapacitated or dies on or after the effective date of this paragraph, compensation shall be payable in the same manner and amount as provided in sections 54-B, 55-B and 58-A.

**Sec. 11.** PL 1987, c. 559 is amended by adding at the end the following:

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

**Sec. 12. Applicability.** This Act applies only to injuries occurring on or after the effective date of this Act.

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

Effective November 20, 1987.

## CHAPTER 561

S.P. 675 — L.D. 1908

### AN ACT to Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations.

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

Whereas, businesses face a critical situation when they try to incorporate in the State due to a shortage of recording staff; and

Whereas, this legislation is urgently needed to restore same-day service to corporations wanting to incorporate in this State; and

Whereas, this legislation is vitally needed to keep pace with the State's economy which is expanding rapidly; 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.** 10 MRSA §1522, sub-§2, as enacted by PL 1979, c. 572, §2, is amended to read:

2. **Application for registration.** Subject to the limitations set forth in this chapter, any person who adopts and uses a mark in this State may file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that mark setting forth, but not limited to, the following information:

A. The name and business address of the person applying for the registration and if a corporation, the state of incorporation;

B. The goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with the goods or services and the class in which the goods or services fall;

C. The date when, to the best of the applicant's knowledge and belief, the mark was first used anywhere and the date when it was first used in this State by the applicant or his predecessor in business; and

D. A statement that the applicant believes himself to be the owner of the mark and that no other person to the best of his knowledge and belief has the right to use the mark in this State as a mark or as a trade name or as a corporate name either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of the other person, to cause confusion or to cause mistake or to deceive.

The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by a specimen or facsimile of the mark in triplicate.

The application for registration shall be accompanied by a filing fee of ~~\$25~~ \$50 for the first class and \$10 for each additional class, payable to the Treasurer of State.

**Sec. 2.** 10 MRSA §1524, first ¶, as enacted by PL 1979, c. 572, §2, is amended to read:

Registration of a mark shall be effective for a term of 10 years from the date of registration and, upon application filed within 6 months prior to the expiration of the term, on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. A renewal fee of ~~\$25~~ \$50, payable to the Treasurer of State, shall accompany the application for renewal of the registration.

**Sec. 3.** 10 MRSA §1525, sub-§1, as enacted by PL 1979, c. 572, §2, is amended to read:

1. **Recording.** Any mark and its registration shall be

assignable with the good will of the business in which the mark is used or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by an instrument in writing duly executed and may be recorded with the Secretary of State upon the payment of a fee of ~~\$20~~ \$40 payable to the Treasurer of State. The Secretary of State, upon recording of an assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal. An assignment of any registration under this chapter shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of State within 3 months after the date thereof or prior to the subsequent purchase.

Sec. 4. 13-A MRSA §1401, as amended by PL 1973, c. 730, §§2 to 4, is further amended to read:

§1401. Fees for filing documents and services

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

1. Proof of a resolution of a corporation's board of directors authorizing the use of a similar name by a new corporation, as provided by section 301, subsection 1, paragraph B, \$5 \$10;

2. Application to reserve corporate name, as provided by section 302, \$5 \$10;

3. Notice of transfer of a reserved corporate name, as provided by section 302, \$5 \$10;

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

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

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

7. Notice of resignation of a clerk of a corporation, as provided by section 304, subsection 4, \$2 \$10;

8. Statement of change of registered office, as provided by section 304, subsection 6, \$5 \$10 for each corporation listed; or when separate statements are filed at one time, \$5 for each separate statement up to but not exceeding 100 statements, \$2 for each separate statement over 100 but not exceeding 200 statements, and \$1 for each separate statement over 200 statements;

9. Accompanying service of process upon the Secretary of State as agent of a domestic corporation, as provided by section 305, or accompanying service of

process upon the Secretary of State as agent of nonresident director of a domestic corporation, as provided by section 306, or accompanying service of process upon the Secretary of State as agent of a foreign corporation pursuant to section 1217, \$5 \$10 for each such process;

10. Notice of resignation of a nonresident director, as provided by section 306, subsection 4, \$2 \$10;

11. Assumed name statement, as provided by section 307, \$50 \$75;

12. Articles of incorporation, as provided by section 402, \$50 \$75, plus the fee based on the capital stock specified in section 1403;

13. Statement of a ~~directors'~~ director's resolution establishing and designating series and fixing and determining the relative rights and preferences thereof, as provided by section 503, \$5 \$10;

14. Statement of cancellation of redeemable shares, as provided by section 520, or statement of cancellation of other reacquired shares, as provided by section 521, \$5 \$10;

15. Articles of amendment, as provided by ~~sections~~ section 803, 805 or 810, \$10 \$15; and if the amendment increases the total authorized capital stock, the additional amount specified in section 1403, subsection 3, but not less than an additional \$10 \$15; and if it changes the corporation's purposes, a further additional amount of \$15 \$20;

16. Restated articles of incorporation, as provided by section 809, \$25 \$50; if the restated articles include an amendment which effects an increase in the total authorized capital stock, the additional amount specified in section 1403, subsection 3, but not less than an additional \$10 \$15; and if they change the purposes of the corporation, a further additional amount of \$15 \$20;

17. Articles of merger or consolidation pursuant to shareholder approval, as provided by section 903, \$25 \$50; and if the merger or consolidation increases the total authorized capital stock, the additional amount specified in section 1403, subsection 4, but not less than an additional \$10 \$15; and if it changes the corporation's purposes, a further additional amount of \$15 \$20;

18. Articles of merger of subsidiary into parent without shareholder approval, as provided by section 904, \$25 \$50;

19. Articles of merger or consolidation of domestic and foreign corporations, as provided by section 906, \$25 \$50, if the new or surviving corporation is a foreign corporation, plus the appropriate fee for authority to do business in this State, if 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;

20. Document required by section 906, subsection 4, 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. Articles of dissolution, as provided by section 1101 or 1110, ~~\$15~~ \$20;

22. Statement of intent to dissolve as provided by section 1102 or 1103, ~~\$5~~ \$10;

23. Statement of revocation of voluntary dissolution proceedings, as provided by section 1107 or 1108, ~~\$5~~ \$10;

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

26. Articles of merger of a foreign corporation, as provided by section 1206, ~~\$20~~, \$25;

27. An amendment to a foreign corporation's application for authority to do business in this State as provided by section 1207, ~~\$10~~ \$15;

28. An application of a foreign corporation for surrender of its authority, as provided by section 1208, ~~\$10~~ \$15;

29. Statement of a foreign corporation's termination of existence, as provided by section 1209, ~~\$10~~ \$15;

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

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

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

33. Statement of change of registered office or registered agent or both, as provided by section 1212, subsection 2, ~~\$5~~ \$10;

34. Statement of change of address of registered agent, as provided by section 1212, subsection 2-A, ~~\$5~~ \$10 for each foreign corporation listed; or when separate statements are filed at one time, \$5 for each separate statement up to but not exceeding 100 statements, \$2 for each separate statement over 100 but not exceeding 200 statements, \$1 for each separate statement over 200 statements; and

35. Any other documents not herein specifically provided for, ~~\$5~~ \$10.

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>SECRETARY OF STATE, DEPARTMENT OF</u>		
Administration — Secretary of State		
Positions	(3)	(3)
Personal Services	\$32,900	\$51,780
All Other	10,000	10,500
Capital Expenditures	6,000	
Total	<u>\$48,900</u>	<u>\$62,280</u>

Provides funds for the following authorized positions in the Bureau of Corporations: Clerk-Typist III, Clerk-Typist II and Clerk-Typist I.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved, except that sections 1 to 4 shall take effect on January 1, 1988.

Effective November 20, 1987, unless otherwise indicated.

## CHAPTER 562

H.P. 1418 — L.D. 1923

### AN ACT to Amend the Motor Vehicle Financial Responsibility Law.

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

Whereas, starting on January 1, 1988, every operator or owner of a motor vehicle must present evidence of motor vehicle liability insurance or financial responsibility in the form of an insurance identification card; and

Whereas, the new compulsory insurance law failed to recognize the self-insured status of all government-owned vehicles and provide exemption to the evidence of insurance provisions; 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:

29 MRSA §780, sub-§7-A is enacted to read:

7-A. Exemption. The provisions of this section shall not apply to governmental vehicles in section 256.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect on January 1, 1988.

Effective January 1, 1988.