

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 315

H.P. 144 - L.D. 189

An Act to Facilitate Municipal Road Construction

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

Sec. 1. 38 MRSA §438-A, sub-§1, ¶A, as enacted by PL 1991, c. 46, §2, is amended to read:

A. Minimum guidelines adopted by the board under this subsection may not require the issuance of a municipal permit for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

- (1) ~~Not more than one standard culvert size wider in diameter than the culvert being replaced;~~
- (2) Not more than 25% longer than the culvert being replaced; and
- (3) Not longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exemption. A person repairing, replacing or maintaining an existing culvert under this paragraph shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course.

Sec. 2. 38 MRSA §480-Q, sub-§2-A, ¶A, as enacted by PL 1991, c. 46, §3, is repealed.

See title page for effective date.

CHAPTER 316

S.P. 455 - L.D. 1422

An Act to Amend Certain Corporate Laws

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

Sec. 1. 5 MRSA §86, 2nd ¶, as amended by PL 1991, c. 780, Pt. U, §1, is further amended to read:

For a certificate under the seal of the State, \$5 for a short form and \$10 for a special detailed certificate. For all copies of corporate, limited partnership and mark documents, the rate of \$2 per page; and for all other copies, the rate of 75¢ a per page if such copies are prepared by the office of the Secretary of State. There is no

charge for certificates or copies requested by any department of the State. The Secretary of State may also reduce the fee for other governmental bodies.

Sec. 2. 10 MRSA §1521, sub-§2, as enacted by PL 1979, c. 572, §2, is amended to read:

2. Corporate name. "Corporate name" includes any corporate name, reserved name, registered name or assumed name as those terms are used in Title 13-A, sections 301, 302, 303 and 307 respectively and includes any corporate name, reserved name ~~or~~, registered name or assumed name as those terms are used in ~~Title 13-A 13-B, section sections~~ 301, 302 ~~and~~, 303 ~~and~~ 308 respectively.

Sec. 3. 10 MRSA §1521, sub-§2-A is enacted to read:

2-A. Limited partnership name. "Limited partnership name" includes any limited partnership name, reserved name, assumed name or registered name as those terms are used in Title 31, sections 403, 404, 405 and 406 respectively.

Sec. 4. 10 MRSA §1522, sub-§1, ¶¶F and G, as enacted by PL 1979, c. 572, §2, are amended to read:

F. Consists of or comprises a mark ~~which that~~ so resembles a mark registered in this State or a mark or trade name previously used in this State by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive, unless the registered owner or holder of the other mark executes and files with the Secretary of State proof of authorization of the use of a similar mark by the applicant seeking to use the similar mark; or

G. Consists of or comprises any corporate or limited partnership name, unless the corporation or limited partnership executes and files with the Secretary of State proof of authorization of the use of a mark similar to the corporation or limited partnership's name by the applicant seeking to use the mark.

Sec. 5. 10 MRSA §1522, sub-§1, as amended by PL 1981, c. 684, §§3 and 4, is further amended by adding a new blocked paragraph at the end to read:

The Secretary of State shall make the final determination regarding the availability of a mark for filing.

Sec. 6. 10 MRSA §1525, sub-§2, as enacted by PL 1979, c. 572, §2, is amended to read:

2. Corporate or limited partnership name. Any holder of a certificate of registration issued pursuant to section 1523 may grant to any domestic or foreign corporation or limited partnership authorized to do business