

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

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ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

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Sec. 2. 38 MRSA §480-Q, sub-§2-A, ¶A, as enacted by PL 1991, c. 46, §3, is repealed.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

in this State the exclusive right to the use of a name similar to the mark shown on the certificate.

Sec. 7. 13 MRSA §713, as amended by PL 1981, c. 78, is further amended to read:

§713. Corporate and assumed names

The corporate name of a corporation organized under this chapter ~~shall~~ must contain the words "chartered" or "professional association" or the abbreviation "P.A.", and may contain any other words not specifically prohibited by this section. The use of the word "company," "corporation" or "incorporated" or any other word, abbreviation, affix or prefix indicating that it is a corporation in the corporate name of a corporation organized under this chapter, other than the words "chartered" or "professional association," or the abbreviation "P.A.", is specifically prohibited. It ~~shall be~~ is permissible for the corporation to render professional services and to exercise its authorized powers under a name ~~which~~ that is identical to its corporate name except that the words "chartered" or "professional association" or the abbreviation "P.A." is omitted, ~~provided that as long as~~ the corporation has first registered the name to be so used in the manner required by Title 13-A, section 307.

Sec. 8. 13 MRSA §901, as amended by PL 1991, c. 780, Pt. U, §4, is further amended to read:

§901. Organization

When 3 or more persons desire to be incorporated for any literary, scientific, musical, charitable, educational, social, agricultural, environmental, moral, religious, civic or other lawful and similarly benevolent or nonprofit purpose or for the purpose of fostering, encouraging and assisting the physical location, settlement or resettlement of industrial, manufacturing, fishing, agricultural and other business enterprises and recreational projects in any locality within the State, as a corporation without capital stock, they may do so by preparing and filing a certificate as set forth in section 903. ~~An association of 2~~ The formation of a corporation by one or more municipalities, including a local development corporation, a council of government and a regional planning commission, must be incorporated by a majority of the municipal officers of each of its charter member municipalities. The formation of local development corporations by a municipality for purposes of carrying out Title 5, chapter 383, subchapter 3, article 2 relating to community industrial buildings must be by a majority of the municipal officers. This section does not apply to corporations that are required to be organized under Title 13-B or that elect to be organized under Title 13-B.

Sec. 9. 13 MRSA §981-A, as amended by PL 1979, c. 596, §3, is further amended to read:

§981-A. Acknowledgement of previously unrecognized corporations

Any nonprofit corporation may present a certificate of such organization to the Secretary of State, prepared by its officers of the date of such presentation, setting forth the date, place and purpose of the incorporation, its present location and officers, and if the Secretary of State finds that such corporation was formed, by examination of the corporate records or other substantial evidence, whether or not with all the formalities now required in a certificate, and conformed to the law existing at the date of organization, ~~he~~ the Secretary of State shall so certify, and the certificate so certified ~~shall~~ must be recorded in the registry of deeds where the corporation is located and a copy thereof filed with ~~him~~ the Secretary of State, as provided for corporations under the present law; and if a certificate has ~~heretofore~~ been filed with the Secretary of State, as provided by chapter 192 of the public laws of 1897, the corporation may present such certificate or a copy thereof to the Secretary of State. If ~~he~~ the Secretary of State finds that the incorporation was made according to the law of the date of incorporation, ~~he~~ the Secretary of State shall so certify, and in either case a copy of such certificate ~~shall~~ must be filed with the registry of deeds in the county where the corporation is located, within ~~60~~ 90 days after such certification.

Sec. 10. 13 MRSA §1774, sub-§3 is amended to read:

3. Association. "Association" means a corporation organized under this subchapter, or a similar domestic corporation, or a foreign association or corporation if authorized to do business in this State, organized under any general or special Act as a cooperative association for the mutual benefit of its members, as agricultural producers, and which confines its operations to purposes authorized by this subchapter and restricts the return on the stock or membership capital and the amount of its business with nonmembers to the limits placed thereon by this subchapter for associations organized hereunder. ~~Associations shall be classified as and deemed to be nonprofit corporations, inasmuch as their primary object is not to pay dividends on invested capital, but to render service and provide means and facilities by or through which the producers of agricultural products may market those products and obtain farm supplies and other services.~~

Sec. 11. 13 MRSA §§1781 and 1782 are enacted to read:

§1781. Nonprofit associations

An association is deemed "nonprofit," as the association is not organized to make a profit for that association or for its members, but only for its members as producers of agricultural products.

§1782. General corporation law; applicability

The provisions of the laws related to business corporations and all powers and rights under those laws apply to associations, except when those provisions are in conflict with or inconsistent with the express provisions of this chapter.

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

~~B. Shall May 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 that 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 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 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 mark registered under Title 10, chapter 301-A; and:~~

(1) The other corporation executes and files with the Secretary of State, as provided in sections 104 and 106 or in Title 13-B, 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 the similar name; or

(2) A foreign 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;

Sec. 13. 13-A MRSA §301, sub-§1, ¶C, as enacted by PL 1979, c. 572, §8, is repealed and the following enacted in its place:

C. May not be the same as, or deceptively similar to, any mark registered under Title 10, chapter 301-A, unless:

(1) The owner or holder of the mark executes and files with the Secretary of State, as provided in Title 10, section 1525, subsection 2, proof of authorization of the use of a similar name by the corporation seeking to use the similar name; or

(2) A foreign 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; and

Sec. 14. 13-A MRSA §301, sub-§1, ¶D is enacted to read:

D. May not be the same as, or deceptively similar to, the name of any domestic limited partnership existing under the laws of this State or any foreign limited partnership authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in Title 31, section 404, or the name of a limited partnership that has in effect a registration of its limited partnership name as provided in Title 31, section 406, or the assumed name of a limited partnership as provided for in Title 31, section 405, unless:

(1) The limited partnership executes and files with the Secretary of State, as provided in Title 31, section 403, proof of authorization of the use of a similar name by the corporation seeking to use the similar name; or

(2) A foreign 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 of this Act, 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.

Sec. 15. 13-A MRSA §301, sub-§3, as amended by PL 1989, c. 501, Pt. L, §13, is further amended to read:

3. Subsection 1, paragraph B ~~shall~~ does not apply to the name or assumed name, as provided for in section 307 of any corporation ~~which~~ that has been excused from

filing annual ~~returns~~ reports, on and after the 5th anniversary of such excuse, nor to the name of any corporation the charter of which is suspended, on and after the 3rd anniversary of such suspension. When an excused or suspended corporation votes to resume business, it ~~shall~~ must change its corporate name if another corporation has adopted its old name or if the old name, if proposed for a new corporation, would otherwise violate subsection 1, paragraph B.

Sec. 16. 13-A MRSA §301, sub-§7 is enacted to read:

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

Sec. 17. 13-A MRSA §303, as amended by PL 1981, c. 544, §3, is further amended to read:

§303. Registered name and renewal; termination

1. Except as provided in section 301, subsection 1, any corporation organized and existing under the laws of any state or territory of the United States may register its corporate name under this Act, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State, or the name of any foreign corporation authorized to transact business in this State, or any corporate name reserved or registered under this Act, or any trade mark or service mark registered under Title 10, chapter 301-A.

2. Such registration ~~shall be~~ is made by delivering for filing, in accordance with section 106, an application for registration executed in accordance with section 104, setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is actually doing business, and a brief statement of the business in which it is engaged, and a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the secretary of state of such state or territory or by such other official as may have custody of the records pertaining to corporations; ~~and~~.

3. Such registration ~~shall be~~ is effective until the close of the calendar year in which such application is filed.

4. A corporation ~~which that~~ has in effect a registration of its corporate name; may renew such registration from year to year by annually filing in accordance with section 106 an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration. A renewal application may be filed between the first day of October and

the 31st day of December in each year; and ~~shall extend~~ extending the registration for the following calendar year.

5. A foreign corporation may terminate a registered name by executing and delivering, in accordance with sections 104 and 106, a statement setting forth:

A. The name of the corporation and the address of its principal or registered office;

B. The state or territory under the laws of which it is incorporated;

C. The date of its incorporation; and

D. That the registration of name is terminated.

Sec. 18. 13-A MRSA §307, sub-§7 is enacted to read:

7. A corporation or foreign corporation may terminate an assumed name by executing and delivering, in accordance with sections 104 and 106, a statement setting forth:

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

B. That it no longer intends to transact business under the assumed name; and

C. The assumed name it intends to terminate.

Sec. 19. 13-A MRSA §701, sub-§2, ¶D, as enacted by PL 1971, c. 439, §1, is amended to read:

D. If the corporation ceases to meet the definition of a "close corporation" by reason of having more than 20 shareholders, whether or not entitled to vote, the president shall call a special meeting of the shareholders to elect a board of directors; and if ~~he~~ the president fails to call ~~such a~~ such a special meeting within 4 months from the date when the corporation ceased to qualify as a "close corporation", any shareholder, whether or not entitled to vote, may call such special meeting, with the same rights and powers as are provided in this Act for the call of a substitute annual meeting by a shareholder. At such special meeting, there ~~shall~~ must be elected ~~such number of directors as have been specified in the articles or the bylaws, if the articles or bylaws provided for the possibility of the corporation ceasing to qualify as a close corporation; and if no such number is specified;~~ 3 directors shall be elected, unless, prior to 1991, articles or bylaws provided for the number of directors to be elected if the corporation ceased to qualify as a close corporation, in which case that number of directors must be elected. When a corporation ceases to qualify as a close corporation, the corporation shall amend,

within 30 days after the special meeting, its articles of incorporation to provide for management of the corporation by a board of directors and to fix the number of directors pursuant to section 703.

Sec. 20. 13-A MRSA §1212, sub-§1, ¶B, as enacted by PL 1971, c. 439, §1, is repealed and the following enacted in its place:

B. A registered agent who may be either:

(1) An individual resident in this State, whose business office or residential address is identical with the corporation's registered office; or

(2) A domestic or foreign corporation authorized to do business or carry on activities in this State whose registered office also serves as the registered office of the corporation.

Sec. 21. 13-A MRSA §1212, sub-§3, as amended by PL 1989, c. 501, Pt. L, §20, is further amended to read:

3. Any registered agent of a foreign corporation may resign as such agent by filing a written notice of resignation with the Secretary of State, ~~in duplicate. The Secretary of State shall forthwith mail and by mailing a copy thereof to the corporation at its last registered or principal office in its jurisdiction of incorporation, as filed with the Secretary of State. The appointment of such agent shall terminate~~ terminates upon the date of the filing of such notice by the Secretary of State.

Sec. 22. 13-A MRSA §1301, sub-§4, as amended by PL 1989, c. 501, Pt. L, §24, is further amended to read:

4. The Secretary of State, upon application by any corporation and satisfactory proof that it has ceased to transact business and that it is not indebted to the State ~~on account of franchise taxes for failure to file an annual report and to pay any fees or penalties accrued, shall file a certificate of the fact in the Secretary of State's office and shall give a duplicate certificate to the corporation: Thereupon such, after which the corporation shall be~~ is excused from filing annual reports with the Secretary of State, so long as the corporation in fact transacts no business.

Sec. 23. 13-A MRSA §1401, sub-§§5-A, 11-A, 15-A and 30-A are enacted to read:

5-A. Termination of registered name, as provided by section 303, subsection 5, §20;

11-A. Termination of an assumed name, as provided by section 307, subsection 7, §20;

15-A. Certificate of correction, as provided by section 106, subsection 4, §20, and if the correction increases the total authorized capital stock for a domestic corporation, the additional amount specified in section 1403, subsection 3, but not less than an additional \$35;

30-A. Application for excuse, as provided by section 1301, subsection 4, §20;

Sec. 24. 13-A MRSA §1401, sub-§32, as amended by PL 1989, c. 501, Pt. L, §27, is further amended to read:

32. For issuing a short form certificate of change of name or of consolidation or merger, as provided by section 1307, \$25 per certificate. For issuing a short form certificate of corporate condition, \$25 per certificate. For issuing a long form certificate of corporate condition, listing amendments, \$35 per certificate ~~for a. For issuing a certificate of diligent search, \$45 per certificate. For issuing a specially worded certificate, \$45 per certificate;~~

Sec. 25. 13-A MRSA §1401, sub-§36, as amended by PL 1991, c. 837, Pt. A, §33, is further amended to read:

36. Report of name search as provided by section 301, subsection 6, §10; ~~and~~

Sec. 26. 13-A MRSA §1401, sub-§37, as enacted by PL 1991, c. 780, Pt. U, §10 and c. 837, Pt. A, §34, is repealed and the following enacted in its place:

37. Preclearance of any document for filing, \$100; and

Sec. 27. 13-A MRSA §1403, sub-§2, ¶A, as enacted by PL 1971, c. 439, §1, is amended to read:

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

(1) A fee of \$25 if the authorized capital stock does not exceed \$5,000; or

(2) A fee of fifty dollars (\$50) if the authorized capital stock exceeds \$5,000 and does not exceed \$10,000; or

(3) A fee of \$100 if the authorized capital stock exceeds \$10,000 and does not exceed \$50,000; or

(4) A fee of \$200 if the authorized capital stock exceeds \$50,000 and does not exceed \$100,000; and

(5) A fee of \$200 plus \$75 upon every \$100,000 of authorized capital stock or fraction thereof in excess of \$100,000; and

Sec. 28. 13-A MRSA §1403, sub-§2, ¶B, as enacted by PL 1971, c. 439, §1, is amended to read:

B. If the corporation is to have authorized stock without par value, a fee of one mill per share without par value authorized, but not less than the following on all authorized shares without par value:

- (1) \$25, if the number of authorized shares without par value does not exceed 5,000; or
- (2) \$50, if the number of authorized shares without par value exceeds 5,000 but does not exceed 50,000; or
- (3) \$100, if the number of authorized shares without par value exceeds 50,000 but does not exceed 100,000; or
- (4) \$250, if the number of authorized shares without par value exceeds 100,000 but does not exceed 250,000; or
- (5) \$500, if the number of authorized shares without par value exceeds 250,000 but does not exceed 500,000; or
- (6) \$750, if the number of authorized shares without par value exceeds 500,000 but does not exceed 750,000; or
- (7) \$1,250, if the number of authorized shares without par value exceeds 750,000 but does not exceed 1,250,000 shares; and
- (8) \$1,250 plus \$500 additional for each 500,000 authorized shares without par value, or any part thereof, in excess of 1,250,000.

Sec. 29. 13-B MRSA §201, sub-§2, ¶A, as amended by PL 1979, c. 541, Pt. B, §§16 and 17, is further amended to read:

A. Parishes and societies, as that term is used in Title 13, section 2861 et seq; independent local churches, as that term is used in Title 13, section 3021 et seq; meeting houses, as that term is used in Title 13, section 3101 et seq; and churches organized as noncapital stock corporations under Title 13, section 901 et seq.

If any of the foregoing corporations files ~~a biennial~~ an annual report pursuant to section 1301 of this Act, the filing of the report ~~shall be~~ is deemed an election by that corporation to be governed by all of the provisions of this chapter, unless clearly inapplicable: ; and

Sec. 30. 13-B MRSA §201, sub-§3, as amended by PL 1987, c. 402, Pt. A, §102, is further amended to read:

3. Corporations which may elect to be organized under this chapter. The following types of corporations may elect to be organized under and governed by applicable provisions of this chapter or under any other applicable statutory provisions:

- B. Proprietors of lands and wharves, as that term is used in Title 13, chapter 91;
- C. Fraternal beneficiary associations, as that term is used in Title 24-A, chapter 55;
- D. Cemetery corporations which do not issue shares, as that term is used in Title 13, chapter 83;
- E. County and local agricultural societies, as that term is used in Title 7, chapter 3;
- F. Local development corporations, as that term is used in Title ~~10, chapter 110~~ 5, section 13081, subsection 6; and
- G. Volunteer fire associations, as that term is used in Title 30, chapter 228.

If any of the foregoing corporations are organized under applicable provisions of this Act, they ~~shall be~~ are governed by the provisions of this chapter unless clearly inapplicable; provided further that if any of the foregoing corporations files ~~a biennial~~ an annual report pursuant to section 1301 of this Act, the filing of the report ~~shall be~~ is deemed an election by that corporation to be governed by all of the provisions of this chapter unless clearly inapplicable.

Sec. 31. 13-B MRSA §301, sub-§1, ¶B, as amended by PL 1989, c. 501, Pt. L, §37, is further amended to read:

B. ~~Shall~~ May 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 foreign 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;~~

- (1) The other corporation executes and files with the Secretary of State, as provided in sections 104 and 106, or in Title 13-A, sec-

tions 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 the similar name; or

(2) A foreign 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 carry on activities under that similar or identical name, but instead will carry on activities under an assumed name, as provided for in section 308;

Sec. 32. 13-B MRSA §301, sub-§1, ¶C, as amended by PL 1983, c. 50, §2, is repealed and the following enacted in its place:

C. May not be the same as, or deceptively similar to, any mark registered under Title 10, chapter 301-A, unless:

(1) The owner or holder of the mark executes and files with the Secretary of State, as provided in Title 10, section 1525, subsection 2, proof of authorization of the use of a similar name by the corporation seeking to use the similar name; or

(2) A foreign 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 carry on activities under that similar or identical name, but instead will carry on activities under an assumed name, as provided for in section 308;

Sec. 33. 13-B MRSA §301, sub-§1, ¶D, as enacted by PL 1983, c. 50, §2, is amended to read:

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

Sec. 34. 13-B MRSA §301, sub-§1, ¶E is enacted to read:

E. May not be the same as, or deceptively similar to, the name of any domestic limited partnership existing under the laws of this State or any foreign limited partnership authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in Title 31, section 404, or the name of a limited partnership that has in effect a registration of its limited partnership name as provided in Title 31, sec-

tion 406, or the assumed name of a limited partnership as provided for in Title 31, section 405, unless:

(1) The limited partnership executes and files with the Secretary of State, as provided in Title 31, section 403, proof of authorization of the use of a similar name by the corporation seeking to use the similar name; or

(2) A foreign 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 carry on activities under that similar or identical name, but instead will carry on activities under an assumed name, as provided for in section 308.

Sec. 35. 13-B MRSA §301, sub-§4, as enacted by PL 1983, c. 50, §3, is amended to read:

4. Names of corporations suspended or excused. Subsection 1, paragraph B ~~shall~~ does not apply to the name of any corporation, the charter of which is suspended on and after the 3rd anniversary of the suspension, or to the name of any corporation ~~which~~ that has been excused from filing ~~biennial~~ reports on or after the 5th anniversary of that excuse.

Sec. 36. 13-B MRSA §301, sub-§6 is enacted to read:

6. Final determination of availability. The Secretary of State shall make the final determination regarding the availability of a name for filing.

Sec. 37. 13-B MRSA §303, as amended by PL 1979, c. 572, §14, is further amended to read:

§303. Registered name and renewal; termination

1. Name registered. Any corporation organized and existing under the laws of any state or territory of the United States may register its corporate name under this Act, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic business or nonprofit corporation existing under the laws of this State, or the name of any foreign business or nonprofit corporation authorized to carry on activities in this State, or any corporate name reserved or registered under Title 13-A or this section or section 302, or any trade mark or service mark registered under Title 10, chapter 301-A.

2. Application. The registration ~~shall~~ must be made by delivering for filing, in accordance with section 106, an application for registration executed in accordance

with section 104 setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is actually engaged in corporate activities, a brief statement of the activities in which it is engaged and a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the Secretary of State of such state or territory or by such other official as may have custody of the records pertaining to corporations.

3. Registration effective. Such registration ~~shall~~ be is effective until the close of the calendar year in which such application is filed.

4. Renewal of registration. A corporation ~~which~~ that has in effect a registration of its corporate name, may renew such registration from year to year by annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration. A renewal application may be filed between the first day of October and the 31st day of December in each year, and ~~shall extend~~ extending the registration for the following calendar year.

5. Termination of registration. A foreign corporation may terminate a registered name by executing and delivering, in accordance with sections 104 and 106, a statement setting forth:

A. The name of the corporation and the address of its principal or registered office;

B. The state or territory under the laws of which it is incorporated;

C. The date of its incorporation; and

D. That the registration of name is terminated.

Sec. 38. 13-B MRSA §304, sub-§2, as enacted by PL 1977, c. 525, §13, is repealed and the following enacted in its place:

2. Agent. A registered agent who may be either:

A. An individual resident in this State, whose business office or residential address is identical with the corporation's registered office; or

B. A domestic or foreign corporation authorized to do business or carry on activities in this State whose registered office also serves as the registered office of the corporation.

Sec. 39. 13-B MRSA §305, sub-§2, as amended by PL 1979, c. 127, §98, is further amended to read:

2. Resignation of agent. Any registered agent of a corporation may resign as ~~such~~ that agent upon filing a

written notice thereof with the Secretary of State and by mailing a copy thereof to the corporation in care of an officer who is not the resigning registered agent, at the address of such officer as shown by the most recent ~~biennial~~ annual report of the corporation. The appointment of ~~such an~~ agent ~~shall terminate~~ terminates upon ~~the~~ expiration of ~~30 days~~ after receipt of such notice by the Secretary of State.

Sec. 40. 13-B MRSA §307, sub-§2, as amended by PL 1979, c. 127, §99, is further amended to read:

2. Service of process. Service of ~~such~~ process upon the Secretary of State ~~shall~~ must be made in the same manner as is provided by the Maine Rules of Civil Procedure, rule 4(d)(8), as amended, in the case of service upon the Secretary of State as an agent of a corporation. The copy of the process ~~therein provided for~~ shall ~~must~~ be mailed to the nonresident director at the address of such director shown on the most recent ~~biennial~~ annual report of the corporation.

Sec. 41. 13-B MRSA §308, sub-§7 is enacted to read:

7. Termination of assumed name. A corporation or foreign corporation may terminate an assumed name by executing and delivering, in accordance with sections 104 and 106, a statement setting forth:

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

B. That it no longer intends to transact business under the assumed name; and

C. The assumed name it intends to terminate.

Sec. 42. 13-B MRSA §1210, sub-§1, ¶A, as amended by PL 1979, c. 541, Pt. A, §135, is further amended to read:

A. The corporation has failed to file its ~~biennial~~ annual report within the time specified by this Act, or has failed to pay any fees or penalties prescribed by this Act, when they have become due and payable;

Sec. 43. 13-B MRSA §1212, sub-§1, ¶B, as amended by PL 1979, c. 663, §73, is repealed and the following enacted in its place:

B. A registered agent who may be either:

(1) An individual resident in this State whose business office or residential address is identical with the corporation's registered office; or

(2) A domestic or foreign corporation authorized to do business or carry on activities

in this State whose registered office also serves as the registered office of the corporation.

Sec. 44. 13-B MRSA §1301, as amended by PL 1991, c. 780, Pt. U, §16 and c. 837, Pt. A, §37 and corrected by RR 1991, c. 2, §48, is repealed and the following enacted in its place:

§1301. Annual report of domestic and foreign corporations; excuse

1. Annual report. Each domestic corporation, unless excused as provided in subsection 5, and each foreign corporation authorized to carry on activities in this State shall deliver for filing, within the time prescribed by this Act, an annual report to the Secretary of State setting forth:

A. The name of the corporation and the jurisdiction of its incorporation;

B. The address of the registered office of the corporation in this State and the name of its agent for service of process if a domestic corporation, or its registered agent if a foreign corporation in this State, at that address, including the street or rural route number, town or city and state and, if a foreign corporation, the address of its registered or principal office in its jurisdiction of incorporation; and

C. The names and business or residence addresses of the president, the treasurer, the registered agent and the secretary or clerk of the corporation, including the street or rural route number, town or city and state.

2. Information contained in annual report. The Secretary of State shall specify by rule the period of time to which the annual report applies as provided in subsection 4. The information contained in the annual report must be current as of the date the report is signed.

3. Execution. The annual report must be executed as provided by section 104, except that signing by the president, a vice-president, the secretary, the treasurer, an assistant secretary or any other duly authorized individual without a 2nd signature is deemed valid under section 104, subsection 1, paragraph B, subparagraph (2).

4. Filing. Subject to rules adopted under section 1302-A, subsection 4, the annual report must be delivered for filing to the Secretary of State or a designee. The annual reports may be delivered to the Secretary of State on a staggered basis as defined by the Secretary of State by rule in accordance with the Maine Administrative Procedure Act. The report must apply to the 12-month period specified by the Secretary of State. Proof to the satisfaction of the Secretary of State that

the report was deposited in the United States mail in a sealed envelope, properly addressed and with postage prepaid, before the date that penalties become effective for late delivery of annual reports, as established by the Secretary of State by rule, is considered compliance with this subsection. One copy of the report, together with the filing fee required by this Act, must be delivered for filing to the Secretary of State, who shall file the report if the Secretary of State finds that it conforms to the requirements of this Act. If the Secretary of State finds that the report does not conform, the Secretary of State shall promptly mail or otherwise return the report to the corporation for necessary corrections, in which event the penalties prescribed by this Act for failure to file the report within the time provided in this section do not apply if the report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was mailed or otherwise returned to the corporation by the Secretary of State.

5. Certificate of fact. The Secretary of State, upon application by a corporation and satisfactory proof that it has ceased to carry on activities, shall file a certificate of that fact and shall give a duplicate certificate to the corporation. The corporation is then excused from filing annual reports with the Secretary of State as long as the corporation carries on no activities.

6. Vote to carry on activities. The members entitled to vote or, if none, the directors of a corporation that has been excused pursuant to subsection 5 may vote to resume carrying on activities at a meeting duly called and held for that purpose. A certificate executed and filed as provided in sections 104 and 106, setting forth that a members' or directors' meeting was held, the date and location of the meeting and that a majority of the members or directors voted to resume carrying on activities, authorizes that corporation to carry on activities; after that certificate is filed, the corporation is required to file annual reports beginning with the next reporting deadline following resumption as established by subsection 4.

Sec. 45. 13-B MRSA §1401, sub-§§5-A, 10-B, 12-A and 24-A are enacted to read:

5-A. Termination of registered name. Termination of registered name, as provided by section 303, subsection 5, §5;

10-B. Termination of assumed name. Termination of assumed name, as provided by section 308, subsection 7, §5;

12-A. Certificate of correction. Certificate of correction, as provided by section 106, subsection 4, §5;

24-A. Application for excuse. An application for excuse, as provided by section 1301, subsection 5, §5;

Sec. 46. 13-B MRSA §1401, sub-§26, as enacted by PL 1977, c. 525, §13, is amended to read:

26. Issuing certificate. For issuing a short form certificate of change of name or of consolidation or merger, as provided by section 1306, \$5 per certificate. For issuing a short form certificate of corporate condition, \$5 per certificate. For issuing a long form certificate of corporate condition listing amendments, ~~\$5~~ \$10 per certificate. For issuing a certificate of diligent search, \$15 per certificate. For issuing a specially worded certificate, \$15 per certificate;

Sec. 47. 31 MRSA §403, sub-§2, ¶¶A and B, as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

A. If the registered owner or holder of the name or mark executes and files with the Secretary of State proof of authorization of the use of ~~the same~~ or a deceptively similar name by the limited partnership seeking to use the name;

B. If ~~the~~ a foreign limited partnership seeking to file under the same or deceptively similar name executes and files with the Secretary of State proof that it will not do business in this State under that same or deceptively similar name but instead will do business under an assumed name ~~that is not the same or similar to any corporate name, reserved name, registered name or assumed name under this chapter or Title 13-A or 13-B or any mark under Title 10~~ as provided in section 405;

Sec. 48. 31 MRSA §403, sub-§§3 and 4 are enacted to read:

3. Names of limited partnerships suspended. Subsection 1, paragraph C does not apply to the name of any limited partnership, the certificate of which is suspended on and after the 3rd anniversary of the suspension.

4. Final determination of availability. The Secretary of State shall make the final determination regarding the availability of a name for filing.

Sec. 49. 31 MRSA §406, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

§406. Registered name and renewal for foreign limited partnership; termination

1. Name registered. Any foreign limited partnership may register its name under this chapter provided that the name meets the requirements of section 403, subsection 1.

2. Application. The registration must be made by delivering for filing an application for registration setting forth:

- A. The name of the limited partnership;
- B. The state or territory under the laws of which it is organized;
- C. The date of its organization;
- D. A statement that it is actually engaged in business activities;
- E. A brief statement of the activities in which it is engaged; and
- F. A certificate of good standing or its equivalent from the proper officer of its jurisdiction of organization. The certificate of good standing must have been made not more than 90 days prior to the delivery of the application for filing.

3. Registration effective. The registration is effective until the close of the calendar year in which the application is filed.

4. Renewal of registration. A limited partnership that has registered its name under this section may renew the registration from year to year by annually filing an application for renewal. The application for renewal must set forth the information required in subsection 2. The renewal application for the next calendar year may be filed between the first day of October and the 31st day of December in each year.

5. Termination of name. A foreign limited partnership may terminate a registered name by executing and delivering for filing a statement setting forth:

- A. The name of the limited partnership and the address of its principal or registered office;
- B. The state or territory under the laws of which it is organized;
- C. The date of its organization; and
- D. That the registration of name is terminated.

Sec. 50. 31 MRSA §407, sub-§1, ¶B, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

- B. A registered agent for service of process on the limited partnership. The agent may be either:
 - (1) An individual resident of this State whose business office or residential address is identical with the limited partnership's registered office; or
 - (2) A domestic or foreign corporation, whether business or nonprofit, authorized to

do business or carry on activities in this State ~~and having a business or whose~~ registered office ~~identical with the limited partnership's~~ also serves as the registered office of the limited partnership.

Sec. 51. 31 MRSA §407, sub-§3, ¶B, as enacted by PL 1991, c. 552, §2, and affected by §4, is amended to read:

B. When the registered agent does not appoint a successor:

- (1) A statement of resignation;
- (2) The names of all the limited partnerships; and
- (3) An attached affidavit stating that ~~at least 30 days prior to and again on or about the date of the filing of certificate of resignation, notices were sent by certified or registered mail to a general partner of each limited partnership from which the registered agent is resigning as registered agent at the address of the general partner as shown on the most recent annual report of the limited partnership. The notices must be sent to the principal office of each partnership within or outside this State, if known to the registered agent or, if not, to the last known address of the individual at whose request the registered agent was appointed.~~

The resignation takes effect under this paragraph ~~30 days after upon filing the certificate is filed with the Secretary of State.~~

Sec. 52. 31 MRSA §§415 and 416 are enacted to read:

§415. Access to data base

The Secretary of State may provide public access to the data base through a dial-in modem, through public terminals and through electronic duplicates of the data base. If access to the data base is provided to the public, the Secretary of State may adopt rules in accordance with the Maine Administrative Procedure Act to establish a fee schedule and governing procedures.

§416. Publications

1. Fee schedule. The Secretary of State may establish by rule in accordance with the Maine Administrative Procedure Act a fee schedule to cover the cost of printing and distribution of publications and to set the procedures for the sale of these publications.

2. Deposit in fund. All fees collected pursuant to this section must be deposited in a fund for use by the

Secretary of State for the purpose of replacing and updating publications offered in accordance with this chapter and for funding new publications.

Sec. 53. 31 MRSA §422, sub-§2, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

2. Inaccuracies. A general partner who becomes aware that any statement in a certificate of limited partnership, or any certificate filed under this section, ~~was inaccurate when made, or, as a result of subsequent events,~~ has become inaccurate in any material respect as a result of subsequent events, shall promptly amend the certificate.

Sec. 54. 31 MRSA §422-A is enacted to read:

§422-A. Certificate of correction

A general partner who becomes aware that any statement in a certificate of limited partnership, or any certificate filed under this section, was inaccurate when made shall file a certificate of correction with the Secretary of State. The certificate of correction must specify the inaccuracy or defect to be corrected and set forth that portion of the instrument in corrected form. The corrected instrument is effective as of the date the original instrument was filed, except as to those persons who are substantially and adversely affected by the correction and as to those persons the corrected instrument is effective from the filing date.

Sec. 55. 31 MRSA §424, sub-§1, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

1. Signatures. The documents must be signed by at least one general partner, except as follows:

A. In the case of an initial certificate of limited partnership, by all general partners;

B. In the case of a certificate of amendment or restatement or certificate of correction:

- (1) By at least one general partner; and
- (2) By each other general partner designated in the certificate of amendment as a new general partner.

If the certificate of amendment reflects the withdrawal of a general partner as a general partner, it need not be signed by that former general partner; or

C. In the case of a certificate of cancellation or other certificate filed after the dissolution of a limited partnership:

- (1) By all general partners;
- (2) If neither the general nor the limited partners are winding up the limited partnership's affairs, then by all liquidating trustees; or
- (3) If the limited partners are winding up the limited partnership's affairs, then by a majority in interest of the limited partners.

Sec. 56. 31 MRSA §492, sub-§3, ¶¶G and H, as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

G. The date on which the foreign limited partnership first did, or intends to do, business in this State; and

H. A certificate of good standing or its equivalent from the proper officer of its jurisdiction of organization. The certificate of good standing or its equivalent must have been made not more than 90 days prior to the delivery of the application for filing; and

Sec. 57. 31 MRSA §492, sub-§3, ¶I is enacted to read:

I. The address of the registered or principal office of the limited partnership in the jurisdiction of its organization.

Sec. 58. 31 MRSA §494, sub-§2, ¶B, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

B. A registered agent for service of process on the limited partnership. The agent may be either:

- (1) An individual resident of this State whose business office or residential address is identical with the limited partnership's registered office; or
- (2) A domestic or foreign corporation, whether business or nonprofit, authorized to do business or carry on activities in this State ~~having a business or whose registered office identical with the limited partnership's also serves as the registered office of the limited partnership.~~

Sec. 59. 31 MRSA §494, sub-§4, ¶B, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

B. When the registered agent does not appoint a successor:

- (1) A statement of resignation;
- (2) A list of the names of all the limited partnerships represented by the agent; and
- (3) An attached affidavit stating that ~~at least 30 days prior to and again~~ on or about the date of the filing of certificate of resignation, notices that the registered agent is resigning as registered agent were sent by certified or registered mail to the registered or principal office of each limited partnership within or outside this State, if known to the registered agent or, if not, to the last known address of the individual at whose request the registered agent was appointed in the jurisdiction of its organization, as filed with the Secretary of State.

The resignation takes effect under this paragraph ~~60 days after upon filing~~ the certificate is filed with the Secretary of State.

Sec. 60. 31 MRSA §494, sub-§6, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

6. Resignation of agent; appointment by partnership; service of process. After receipt of the notice of the resignation of its registered agent under subsection 3, paragraph B, a limited partnership shall file a certificate of amendment designating a new registered agent. If the partnership fails to appoint a new registered agent within ~~the 60-day period~~ 30 days after the filing of the certificate of resignation, the authority of that foreign limited partnership to carry on business in this State is canceled and the foreign limited partnership may not carry on business in this State.

~~A. The authority of that foreign limited partnership to carry out business in this State is canceled and the foreign limited partnership may not carry out business in this State; and~~

~~B. Legal process against the limited partnership may be served upon the Secretary of State in accordance with section 501.~~

Sec. 61. 31 MRSA §495, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

§495. Amendments to application

If any statement in the application for authority to do business of a foreign limited partnership ~~was materially inaccurate when made or has become materially becomes~~ inaccurate as a result of subsequent events, the foreign limited partnership shall promptly file with the Secretary of State a certificate, executed by a general partner, correcting the statement.

Sec. 62. 31 MRSA §495-A is enacted to read:

§495-A. Certificate of correction

If any statement in the application for authority to do business of a foreign limited partnership was materially inaccurate when made, the foreign limited partnership shall promptly file with the Secretary of State a certificate, executed by a general partner, correcting the statement. The certificate of correction must specify the inaccuracy or defect to be corrected and set forth that portion of the instrument in corrected form. The corrected instrument is effective as of the date the original instrument was filed, except as to those persons who are substantially and adversely affected by the corrections, and as to those persons the corrected instrument is effective from the filing date.

Sec. 63. 31 MRSA §498, sub-§2, ¶¶B and C, as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

B. The authority of a foreign limited partnership may be revoked only after:

(1) The Secretary of State has mailed to the partnership's last registered office in this State and to its last registered or principal office in its jurisdiction or organization as filed with the Secretary of State at least 60 30 days' notice of pending revocation of its authority to do business in this State. The notice must specify the default; and

(2) The partnership has not, prior to revocation, removed the ground of default specified in the notice.

C. After the expiration of the ~~60-day~~ 30-day notice period, if a foreign limited partnership has not corrected the specified default or convinced the Secretary of State, by affidavit or otherwise, that there was no misrepresentation relative to paragraph A, subparagraph (5), the Secretary of State shall issue and file a certificate revoking the foreign limited partnership's authority to do business in this State and shall mail copies of the certificate of revocation to the foreign limited partnership's last registered office in this State and to its last registered or principal office in its jurisdiction of organization as filed with the Secretary of State.

Sec. 64. 31 MRSA §499, as enacted by PL 1991, c. 552, §2 and affected by §4, is repealed and the following enacted in its place:

§499. Execution of documents; liability for false statements

1. Signature on document. Documents must be signed by at least one general partner, except as otherwise provided.

2. False swearing; false statements. Section 424, subsection 3 governing false swearing and section 427 on liability for false statements apply to foreign limited partnerships as if the application for authority to do business were a certificate of limited partnership.

Sec. 65. 31 MRSA §526, sub-§4, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

4. Registered name. For filing and of an application for a registered name of a foreign limited partnership under section 406, a fee of \$20 per month for the number of months or fraction of a month remaining in the calendar year when first filing. For filing applications an application to renew the registration of a registered name, a fee of \$155;

Sec. 66. 31 MRSA §526, sub-§4-A is enacted to read:

4-A. Termination of registered name. For filing of a termination of registered name under section 406, subsection 5, a fee of \$20;

Sec. 67. 31 MRSA 526, sub-§§5 and 7, as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

5. Change of registered agent or registered office for domestic limited partnerships. For filing of a certificate by a registered agent under section 407 or a certificate of amendment under section 422, changing the registered agent or address of the registered office or resigning, a fee in the amount of \$20;

7. Certificate of limited partnership, amendment or cancellation. For filing of a certificate of limited partnership under section 421, a certificate of amendment under section 422, except as provided in subsection 5, or a certificate of cancellation under section 423, a fee in the amount of \$250;

Sec. 68. 31 MRSA §526, sub-§7-A is enacted to read:

7-A. Certificate of correction. For filing of a certificate of correction under section 422-A, a fee in the amount of \$20;

Sec. 69. 31 MRSA §526, sub-§8, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

8. Foreign limited partnerships. For filing of an application for authority to do business as a foreign limited partnership under section 492, a certificate of amendment under section 495, except as provided in subsection 9, or a certificate of cancellation under section 496, a fee in the amount of \$250;

Sec. 70. 31 MRSA §526, sub-§8-A is enacted to read:

8-A. Certificate of correction for foreign limited partnerships. For filing of a certificate of correction under section 495-A, a fee in the amount of \$30;

Sec. 71. 31 MRSA §526, sub-§§9 and 12, as enacted by PL 1991, c. 552, §2 and affected by §4, are amended to read:

9. Change of registered agent or registered office for foreign limited partnerships. For filing of a certificate by a registered agent under section 494 or a certificate of amendment under section 495, changing the registered agent or address of the registered office or resigning, a fee in the amount of \$30;

12. Issuing certificate. For issuing any a short form certificate of the Secretary of State, including but not limited to a certificate of existence, other than a certification of a copy under subsection 11 change of name, a fee in the amount of \$25. For issuing a short form certificate of limited partnership condition, a fee in the amount of \$25. For issuing a long form certificate of limited partnership condition, listing amendments, a fee in the amount of \$35. For issuing a certificate of diligent search, a fee in the amount of \$45. For issuing a specially worded certificate, a fee in the amount of \$45;

Sec. 72. 31 MRSA §526, sub-§§15 and 16, as enacted by PL 1991, c. 780, Pt. U, §31, are amended to read:

15. Annual report. For filing of an annual report under section 529, a fee of \$60; and

16. Information request. For written response to a request for information on file, \$5; and

Sec. 73. 31 MRSA §526, sub-§17 is enacted to read:

17. Service of process on Secretary of State as agent. For accepting service of process under sections 409, 410, 500 or 501, a fee in the amount of \$20.

See title page for effective date.

CHAPTER 317

H.P. 504 - L.D. 662

An Act to Amend the Definition of "Parcel" for Purposes of Property Taxes

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

Sec. 1. 36 MRSA §701-A, as amended by PL 1985, c. 764, §13, is further amended by adding at the end a new paragraph to read:

For the purpose of establishing the valuation of unimproved acreage in excess of an improved house lot, contiguous parcels and parcels divided by road, powerline or right-of-way may be valued as one parcel when: each parcel is 5 or more acres; the owner gives written consent to the assessor to value the parcels as one parcel; and the owner certifies that the parcels are not held for sale and are not subdivision lots.

Sec. 2. Effective date. This Act takes effect for the property tax year beginning April 1, 1994.

See title page for effective date.

CHAPTER 318

S.P. 307 - L.D. 395

An Act to Grandfather Property under Certain Environmental Laws

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

Sec. 1. 38 MRSA §439-A, sub-§7 is enacted to read:

7. Special exception. A municipal ordinance adopted pursuant to this article may include a provision for the municipal planning board to issue a permit for construction of a single-family residence in a Resource Protection District if the applicant demonstrates that all of the following conditions are met.

A. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

B. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.