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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 41, L.D. 46, Bill, “An Act To Protect Maine Business Names”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 13-B MRSA §302-A, sub-§1, as enacted by PL 2003, c. 344, Pt. B, §11, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by executing and delivering for filing as provided in section 106 an application to the Secretary of State. The application must be executed by a duly authorized person and must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 2. 13-C MRSA §402, sub-§1, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by delivering for filing an application to the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 3. 31 MRSA §804-A, sub-§1, as enacted by PL 2003, c. 344, Pt. C, §37, is amended to read:

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1 reservation is not considered a renewal of the reserved name, the same name can be
2 reserved by the same applicant after the 120-day reservation period expires. Another
3 applicant is also eligible to reserve the name once the 120-day period expires.

4 This amendment also directs the Secretary of State to develop options for the filing
5 and protection of business names, and to report those options to the Joint Standing
6 Committee on Judiciary by February 15, 2014. The Joint Standing Committee on
7 Judiciary may submit a bill in response to the report.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**