

126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 46

H.P. 41

House of Representatives, January 17, 2013

An Act To Protect Maine Business Names

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. Macfarland MILLICENT M. MacFARLAND Clerk

Presented by Representative BECK of Waterville. Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: GILBERT of Jay, LONGSTAFF of Waterville.

2 3	Sec. 1. 13 MRSA §911, sub-§6, ¶¶B and C, as enacted by PL 2009, c. 56, §9, are amended to read:
4 5	B. The presence or absence of the words or symbols of the words "and" and "the"; and
6	C. The differences in the use of punctuation, capitalization or special characters-; and
7	Sec. 2. 13 MRSA §911, sub-§6, ¶D is enacted to read:
8 9	D. The presence or absence of the words or symbols of the words or numbers "too," "two," "2," "II" and "ii."
10 11	Sec. 3. 13-B MRSA §301-A, sub-§6, ¶¶B and C, as enacted by PL 2003, c. 344, Pt. B, §9, are amended to read:
12 13	B. The presence or absence of the words or symbols of the words "and" and "the"; and
14	C. The differences in the use of punctuation, capitalization or special characters-: and
15	Sec. 4. 13-B MRSA §301-A, sub-§6, ¶D is enacted to read:
16 17	D. The presence or absence of the words or symbols of the words or numbers "too," "two," "2," "II" and "ii."
18 19	Sec. 5. 13-C MRSA §401, sub-§6, ¶¶B and C, as amended by PL 2003, c. 344, Pt. B, §46, are further amended to read:
20 21	B. The presence or absence of the words or symbols of the words "and" and "the"; and
22	C. The differences in the use of punctuation, capitalization or special characters-; and
23	Sec. 6. 13-C MRSA §401, sub-§6, ¶E is enacted to read:
24 25	E. The presence or absence of the words or symbols of the words or numbers "too," "two," "2," "II" and "ii."
26 27	Sec. 7. 31 MRSA §803-A, sub-§6, ¶¶B and C, as enacted by PL 2003, c. 344, Pt. C, §35, are amended to read:
28 29	B. The presence or absence of the words or symbols of the words "and" and "the"; and
30	C. Differences in the use of punctuation, capitalization or special characters-; and
31	Sec. 8. 31 MRSA §803-A, sub-§6, ¶D is enacted to read:
32 33	D. The presence or absence of the words or symbols of the words or numbers "too," "two," "2," "II" and "ii."

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

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1 2	Sec. 9. 31 MRSA §1308, sub-§1, ¶F, as enacted by PL 2005, c. 543, Pt. C, §2, is amended to read:
3 4	F. In determining whether names are distinguishable on the records, the Secretary of State shall disregard the following:
5 6 7 8 9	(1) Words or abbreviations of words that describe the nature of the entity, including "professional association," "corporation," "company," "incorporated," "chartered," "limited," "limited partnership," "limited liability company," "professional limited liability company," "limited liability partnership," "registered limited liability partnership," "limited liability limited partnership," "service corporation" and "professional corporation";
11 12	(2) The presence or absence of the words or symbols of the words "and" and "the"; $\frac{1}{2}$ and
13 14	(3) Differences in the use of punctuation, capitalization or special characters-; and
15 16	(4) The presence or absence of the words or symbols of the words or numbers "too," "two," "2," "II" and "ii."
17 18	Sec. 10. 31 MRSA $\$1508$, sub- $\$6$, $\P\PB$ and C, as enacted by PL 2009, c. 629, Pt. A, $\$2$ and affected by $\$3$, are amended to read:
19 20	B. The presence or absence of the words or symbols of the words "and" and "the"; $\frac{1}{2}$ and
21	C. Differences in the use of punctuation, capitalization or special characters-; and
22	Sec. 11. 31 MRSA §1508, sub-§6, ¶D is enacted to read:
23 24	D. The presence or absence of the words or symbols of the words or numbers "too," "two," "2," "II" and "ii."
25	SUMMARY
26 27 28	This bill requires the Secretary of State to disregard certain words, symbols and numbers when determining whether the name of a business entity is distinguishable from the names of other business entities