

STATE OF MAINE

CERTIFICATE OF SOLE PROPRIETOR ADOPTING NAME OTHER THAN HIS OWN  
(Title 31, M.R.S.A., Sec. 2)

The undersigned hereby certifies that he intends to engage in the .....  
.....business as sole proprietor thereof,  
and to adopt the name style and designation .....  
.....  
in the conduct of said business.

NAME

RESIDENCE

Signature

Printed name: \_\_\_\_\_

Home residence

Home phone number: \_\_\_\_\_

Cell phone number: \_\_\_\_\_

STATE OF MAINE

.....ss. ....A.D 20\_\_

Then personally appeared.....and  
made oath to the foregoing certificate, that the same is true.

Before me,

.....  
*Justice of the Peace*

\_\_\_\_\_  
(Note.—This certificate shall be deposited in the office of the clerk of the municipality in which the  
business is to be carried on. The clerk is entitled to a fee for recording this certificate.)

**Certificate of Sole Proprietor  
Adopting Name Other Than His Own**

NAME

.....  
ADOPTED NAME

.....

Dated.....20.....

CLERK'S OFFICE,

Municipality of

.....

Received.....20.....

At.....H.....M.....M., and recorded

In Book.....Page.....

Attest:

.....  
Clerk.

## **WHAT TYPES OF FILINGS ARE REQUIRED UNDER MAINE STATE STATUTES?**

### **1) Sole Proprietor Adopting Business Name other than His Own ("DBA" form)**

MRSA Title 31, sec 1 & 2

Pages 36 - 37 and Appendix Page 3-11-1 Municipal Clerk's Manual

- Any person engaging in a mercantile business as a sole proprietor, and who adopts any business name, style or designation other than his or her own name exclusively, must file with the municipal clerk before engaging in the business.
- One time filing fee of \$10, as set by state statutes, payable to municipality where business is located

### **2) Certificate for Association for Purpose of Engaging in Mercantile Enterprise**

MRSA Title 31, sec 1 & 2

Pages 36 - 37 and Appendix Pages 3-10-1 and 3-10A Municipal Clerk's Manual

- Whenever two or more persons become associated as partners, or otherwise, for the purpose of engaging in any mercantile enterprise, they must, before beginning business, file a certificate in the clerk's office of the municipality in which the business is to be conducted.
- A "mercantile enterprise" is a business having to do with trade or commerce or the buying and selling of merchandise.
- The primary purpose of this filing requirement is to protect the public against fraud and deceit in extending credit. The filings enable people dealing with merchants transacting business under a partnership or assumed name to ascertain from public records the names of the individuals and the nature of the business.
- One time filing fee of \$10, as set by state statutes, payable to municipality where business is located

### **3) Certificate for Withdrawal from Association in Mercantile Enterprise**

MRSA Title 31, sec 1 & 2

Pages 36 - 37 and Appendix Page 3-11A and 3-12-1 Municipal Clerks Manual

- Whenever any partner withdraws from the partnership, the withdrawing partner may certify under oath that he or she has withdrawn and must file the withdrawal certificate in the clerk's office where the partnership certificate is located.
- Until such as withdrawal certificate is filed with the clerk, the withdrawing partner shall be presumed to be a member of the firm or association.
- One time filing fee of \$10, as set by state statutes, payable to municipality where partnership form is filed.

### **4) Pole Permits - Title 35-A, sec 2501**

Pages 33 - 34 Municipal Clerk's Manual

No person may construct facilities upon or along highways and public roads without applying for and obtaining a written location permit from the applicable licensing authority (such as pipeline, water, sewer, electrical)

### **5) Hospital Liens Title 10, section 3411 -3414**

Page 38 and Appendix Page 3-16-1 Municipal Clerks Manual

The lien recording responsibilities apply only to clerks of municipalities in which hospitals are located. Any person or corporation owning a hospital in Maine is allowed to lien for the reasonable charges for hospital care and treatment with respect to person injured by reason of accident. There is a \$5 fee for filing the lien, which is prepaid by the hospital.

## Trade Name Protection

The Division of Corporations files nonprofit and business corporations, limited partnerships, limited liability companies, limited liability partnerships and marks. There is no provision under Maine law for filing **trade names** of sole proprietorships or general partnerships at the state level. If you are operating your business as a **sole proprietor**, under a trade name, or as a **general partnership** you are required by Maine law to file with the municipal clerk where your business is located (See text of Title 31 M.R.S.A. §§1 & 2 below).

Names of **corporations, limited liability companies, limited partnerships, limited liability partnerships** and the text of **marks** are checked for availability against all active names on file with the Division of Corporations prior to filing. The Division uses the name availability standard of "distinguishable upon the record" to determine if a name is available for use. Entity names that do not meet this standard are refused for filing. The Division does not check trade names filed with a municipality for name availability.

If you wish to protect the trade name of your sole proprietorship or general partnership, and/or the logo associated with it, you may file a **trade** or **service mark** with the Division of Corporations. To register a mark, it must be currently in use as part of your business activity at the time of filing.

If you have already incorporated or have formed a limited partnership, limited liability partnership or limited liability company, but wish to utilize a different name in the conduct of your business or activities, you may either file a **change of name** to make it permanent or adopt an **assumed name** (or d/b/a) by filing an assumed name form with the Division of Corporations. Forms for these filings can be found on our website at [www.Maine.gov/sos/cec/corp](http://www.Maine.gov/sos/cec/corp).

### TITLE 31

#### § 1. Filing of certificate; certificate of withdrawal

Whenever 2 or more persons become associated as partners or otherwise for the purpose of engaging in any mercantile enterprise, they shall, before commencing business, deposit in the office of the clerk of the city or town in which the same is to be carried on a certificate signed and sworn to by them, setting forth their names and places of residence, the nature of the business in which they intend to engage and giving the name under which they are to transact business. Whenever any member of such partnership or association withdraws therefrom, he may certify under oath to the fact of such withdrawal, which certificate shall be deposited in the clerk's office where the partnership certificate is recorded. He shall conclusively be presumed to be a member of the firm or association to the time of his depositing such certificate.

#### § 2. Business under assumed name; filing of certificate

Whenever any person intends to engage in such business as sole proprietor thereof, and to adopt any business name, style or designation other than his own name exclusively, he shall, before commencing business, deposit in the office of the clerk of the city or town in which such business is to be carried on a certificate signed and sworn to by him, setting forth his name and place of residence, the name, style or designation under which the business is to be conducted, and stating that he is the sole proprietor.

#### § 6. Prohibition of certain names

No person or persons, partnership or other entity engaged in any business, except a corporation, may adopt a name for such business that contains the words "corporation," "incorporated" or "limited," or any abbreviation of any such words. A limited partnership may use the term "limited partnership" as part of its name, a limited liability company may use the term "limited liability company" as part of its name and a limited liability partnership may use the term "limited liability partnership" as part of its name.