

STATE OF MAINE
CERTIFICATE OF SOLE PROPRIETOR or PARTNERSHIP
ADOPTING NAME OTHER THAN THEIR OWN

Pursuant to Title 31, Chapter 1 §2

(Filing a DBA with the Town for Trade Name Protection)

Fee: \$10.00

The undersigned hereby certifies that he or she intends to engage in _____

Type of Business

business as 'sole proprietor' or 'partnership' thereof, and to adopt the name style and designation of

_____ in the conduct of said business.

Name of Business / DBA ('doing business as')

Name of Owner: _____

Residence Address: _____

Mailing Address: _____

Business Address: *(if different than above)* _____

Name of Co-owner: _____

Residence Address: _____

Mailing Address: _____

STATE OF MAINE

Penobscot _____, ss _____,

Then, personally appeared _____ and _____

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

Before me, _____

Old Town City Clerk

Clerk's Office, Municipality of Old Town

Received _____,
at (time) _____ A.M / P.M. _____

Attest: _____
Old Town City Clerk

** This form must be completed by sole proprietors or partnerships, and by the city or town clerk in the municipality in which the sole proprietorship is located: see Maine Revised Statutes, Title 31, Chapter 1, §2*

GUIDANCE REGARDING TRADE NAME PROTECTION

This information can be found at: <https://www.maine.gov/sos/cec/corp/tradenameprotection.html>

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 at www.maine.gov/sos/cec/corp.

TITLE 31

[1. Filing of certificate; certificate of withdrawal - Title 31 Chapter 1 Section 1](#)

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 - Title 31 Chapter 1 Section 2](#)

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 - Title 31 Chapter 1 Section 6](#)

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.

INSTRUCTIONS

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. The owner(s) of the business must visit the Clerk during regular business hours, with a valid proof of ID. A *"CERTIFICATE OF SOLE PROPRIETOR or PARTNERSHIP ADOPTING NAME OTHER THAN THEIR OWN"* will be issued by the Clerk. A financial institution may require such certification to set up business accounts.

There is a one-time filing fee of \$10.00.

Please contact the Clerk at (207) 827-3965 ext. 122 or lengstrom@old-town.org with any questions or if there has been a change in ownership, location or dissolution of the business.