

# MAINE STATE LEGISLATURE

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February 26, 1920

To Hon. Frank W. Ball, Secretary of State  
Re: Corporations Reviving after Suspension

. . . You ask from what time any corporation is revived after paying all franchise taxes when such corporation has been suspended.

Chapter 9, Section 24, provides that an annual franchise tax shall be assessed against a corporation even after it is suspended. Chapter 9, Section 23, provides that after a corporation is suspended for non-payment of franchise taxes it shall have no right to use its charter.

Of course, it is clear that the franchise tax is paid for the privilege of existing as a corporation, that is, is paid for the privilege of exercising its charter. If a corporation, after it is once suspended, pays all franchise taxes assessed against it, it is clear that it pays a tax for the privilege of existing as a corporation during the years that its charter was held in abeyance.

It is my opinion that if a corporation is once suspended and afterwards pays its franchise taxes assessed against it in full, it is revived from the date of suspension. Any other construction would compel the corporation to pay a franchise tax for existing as a corporation during certain years when under the statute it had no right to use its charter. This is clearly inconsistent with the general provisions of the corporation law, and according to the feeling of this office that if after suspension a corporation pays the franchise taxes assessed against it in full, it is revived from time of non-payment and has a continuing existence as a corporation from the time it was formed.

Franklin Fisher  
Assistant Attorney General