

MAINE STATE LEGISLATURE

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January 6, 1925

To Hon. Fred F. Lawrence, Bank Commissioner
Re: "Doing a banking business".

Your inquiry with reference to Mirebasto, Inc., received.

Section 2 of the Banking Act (P.L. 1923, Chap. 144), in prohibiting from "doing a banking business" corporations organized under the general law and not specially authorized so to do, defines "doing a banking business" as engaged "in the business within the State of Maine of deriving profit from the loan or use of money".

The statement of Mr. Reed, clerk of Mirebasto, Inc., while not clear in some details, nevertheless indicates that the only assets of the corporation are the money paid in by the stockholders, the only business which it intends to do is to use that money in that form, paying it out for securities, options, margins and similar intangible interests, and that the corporation is organized for and expects to derive a profit from the use of its capital.

It seems to me that the foregoing analysis answers the question. The corporation, if it carries out the special purposes which Mr. Reed sets forth in his statement, will be carrying on "business within the State of Maine of deriving profit from the loan or use of money".

Clement F. Robinson
Deputy Attorney General