

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

It is our understanding that the Central Maine Power Company is desirous that such gift may forever bar requests for fishways in the main river, across which the dam is being built.

In any event, if this information is incorrect, our answer will be the same with respect to the question as propounded by you.

There is, of course, no prohibition against your department's receiving a gift for the purpose of assisting in building a rearing station. However, a reading of the statutes relative to fishways reveals that your power with respect to requiring the construction of fishways is limited, and the conditions attached to the gift cannot be accepted by the Commissioner of Inland Fisheries and Game. Before such a gift can be accepted with the limitations mentioned in your memo and the further limitation which we understand to be attached to the gift, legislative approval must first be obtained.

JAMES G. FROST
Deputy Attorney General

July 28, 1952

To Harold I. Goss, Secretary of State

Re: "Bank" in name of corporation

You inquire whether the West Bank Oil Terminal, Inc., of New Jersey is eligible for registration as a foreign corporation to do business in this State.

Section 5 of Chapter 55 provides in effect that no company shall use the word "bank" unless duly authorized under the laws of this State or of the United States to conduct the business of a bank or trust company.

Section 5 is actually more inclusive than the preceding sentence would indicate, but this is sufficient for the purpose of this opinion.

The intent of Section 5, Chapter 55, is clearly to prevent a company not duly authorized and registered under the laws from conducting a banking business and from further enhancing its business by the use of the word "bank" or similar words.

The word "Bank" in the name, "West Bank Oil Terminal, Inc., of New Jersey," merely indicates the location of the company's plant on a particular river bank, and it is our opinion that such word cannot be construed as leading people to believe that the company is conducting a banking business.

It is therefore our opinion that the above named corporation is eligible for registration as a foreign corporation to do business in this State, provided, however, that if their purposes are similar to the purposes authorized by the general laws of other States in that they may do a banking business, then a waiver should be filed providing that this corporation shall not conduct a banking business in the State of Maine.

JAMES G. FROST
Deputy Attorney General