

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

June 8, 1961

To: Roland H. Cobb, Commissioner of Inland Fisheries and Game

Re: Van Buren-Madawaska Corporation

Reference is made to your letter of May 10, 1961 and the attached letter from Van Buren-Madawaska Corporation.

According to the letter from the Van Buren-Madawaska Corporation they use six boats on the St. John River for log driving purposes. These boats are made in Canada. They are used only in the section between the mouth of the Burningham brook and the mouth of the St. Francis River. The boats are used for about three or four weeks and then returned to Canada following the drive.

The question raised is whether these boats must be numbered under the provisions of Public Laws 1959, Chapter 349.

It would appear that the boats are in Canada for about 48 to 49 weeks of each year. They are in American waters only 3 to 4 weeks per year. It would seem logical to conclude that these are boats "from a country other than the United States." Chapter 36-A, section 6, II.

The next question to be answered is: Are they "*temporarily* using the waters of the States?" (Emphasis ours.)

Normally, the rules and regulations promulgated by the Commissioner would cover this problem. In the present instance the Commissioner has not yet made rules and regulations. Therefore, this office, in the absence of departmental regulations, will rule as a matter of law that use of a boat or boats from Canada for 3 to 4 weeks per year is a temporary use.

Our conclusion is that these boats do not require a license.

GEORGE C. WEST

Deputy Attorney General

June 8, 1961

To: Carleton L. Bradbury, Commissioner of Banks and Banking

Re: Licensing of Foreign Banking Corporations

Refer to your memo of June 7, 1961. In this memo you state:

"A foreign banking corporation has proposed to place advertisements in papers distributed in this state for the purpose of soliciting deposit accounts. They ask if any conditions must be fulfilled to comply with state law prior to undertaking this venture.

"We have advised the writer that the bank should make application for a license which would authorize a foreign banking corporation to conduct business in this state as provided by Section 1, Subsection VII of Chapter 59. We have considered that the solicitation of accounts to be 'doing a banking business' as that phrase is defined in Section 4 of Chapter 59. We are of the belief that this definition which includes the term 'solicitation' without qualification as to method, place, etc., imposes a different standard than that usually applied to 'doing business' activities. More particularly, it would appear that resident agents or in-state offices are not essential prerequisites in this instance to 'doing business'."

This office concurs in the thoughts expressed above. The wording of the