

MAINE STATE LEGISLATURE

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October 1, 1969

Joseph T. Edgar, Secretary of State

State

George C. West, Deputy

Attorney General

SYLLABUS:

A certificate of organization of a corporation containing language which would allow it to engage in the business of a gas light company must pay the Secretary of State the filing fee stated in 13 M.R.S.A. § 76.

FACTS:

A certificate of organization of a business corporation was presented for filing. The first paragraph of the purposes states:

"To engage in the business of acquiring, exploring, exploiting and developing lands and leases for oil and gas and including drilling wells in search of oil or gas and equipping and completing the same, and producing, processing and marketing oil, gas and liquid or gaseous hydrocarbons. The terms 'oil' or 'gas', as used herein, shall include all other minerals associated with oil or gas."

Your office advised the attorney submitting the certificate that the filing fee was determined by 13 M.R.S.A. § 76 as the purposes indicated a gas light corporation. The attorney objects.

QUESTION:

Is the filing fee as determined by 13 M.R.S.A. § 76 proper?

ANSWER:

Yes.

OPINION:

13 M.R.S.A. § 76 sets filing fees for quasi-public corporations. In that section are set forth a number of types of businesses which must pay the filing fee listed. Among the types listed, and the one which appears to apply to the instant certificate, is "gas light companies."

Such companies are formed by authority of 35 M.R.S.A. § 2301, which says in part, ". . . corporations for the purpose of making, generating, selling, distributing and supplying gas . . . for lighting, heating, manufacturing or mechanical purposes . . . may be organized under Title 13, sections 71 to 79,"

The first paragraph of the purposes when stripped of excess verbiage says:

"To engage in the business of acquiring, exploring, exploiting and developing lands . . . for . . . gas and including drilling wells in search of . . . gas . . . and producing, processing and marketing . . . gas."

The language used in the purposes of the corporation, i.e., "producing, processing and marketing" is so close to that used in Title 35, § 2301, as to be nearly indistinguishable. This corporation could legally engage in the business of a gas light company and must pay the filing fee stated in Title 13 § 76.

George C. West
Deputy Attorney General

GCW:H