

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

*FACTS:*

The Town of Stockholm, acting through its municipal officers, and the inhabitants of the unorganized territory known as T. 16, R. 4, acting through the County Commissioners for the County of Aroostook, have indicated their intent to make a joint application to the Environmental Improvement Commission under the provisions of 38 M.R.S.A. § 412 for a grant to cover their expenses incurred in preliminary planning of pollution abatement facilities.

The reference statute authorizes the Commission to make such grants to “. . . municipalities, quasi-municipal corporations, regional planning commissions and councils of governments . . .”.

*QUESTION:*

Are the residents of the unorganized territory eligible for a preliminary planning grant under 38 M.R.S.A. § 412?

*ANSWER:*

No.

*REASON:*

The Legislature has specified those entities eligible to receive preliminary planning grants. Residents of unorganized territory have not been included.

We point out, however, that nothing prevents the municipality from making the application covering both the municipality and the unorganized territory, and at the same time entering into an inter-local cooperation agreement with the county commissioners acting on behalf of the residents of the unorganized territory in order to administer the grant.

ROBERT G. FULLER, JR.  
Assistant Attorney General

May 5, 1971  
Treasury Department

Norman K. Ferguson, State Treasurer

Location of Trust Company or Banking Institution for Bank Stock Tax Purposes

*SYLLABUS:*

THE PORTION OF THE BANK STOCK TAX ATTRIBUTABLE TO SHARES OWNED BY NONRESIDENTS AND CORPORATIONS MUST BE RETURNED TO THE MUNICIPALITY WHERE THE PRINCIPAL OFFICE OF THE TRUST COMPANY OR BANKING INSTITUTION IS LOCATED.

*FACTS:*

A number of Maine trust companies and banking institutions have branch offices in

municipalities other than the municipality where the principal office of the trust company or banking institution is located. A bank stock tax is assessed by the State Tax Assessor on the value of the shares of the trust company or banking institution after making adjustments for the value of real estate, vaults and safe deposit plant. There is a statutory obligation on the part of trust companies and banking institutions to pay the assessment to the State Tax Assessor who pays over all receipts from the tax to the Treasurer of State. The portion of the tax attributable to shares of stock owned by nonresidents or corporations must be returned by the Treasurer of State to the municipality in which the trust company or banking institution is located.

*QUESTION:*

Where is a trust company or banking institution located for purposes of returning the portion of bank stock attributable to shares owned by nonresidents and corporations?

*ANSWER:*

In the municipality where the principal office of the trust company or banking institution is located.

*REASONS:*

The pertinent statutory language to be construed is as follows:

“The tax assessed under sections 4751 and 4752 upon shares of such trust company or banking institution owned by nonresidents or by corporations shall be returned by the Treasurer of State, on or before the first day of August, *to the municipality in which such trust company or banking institution is located . . .*”  
36 M.R.S.A. 4753 *emphasis supplied.*

The statutory language refers to “. . . *the municipality* in which such trust company or banking institution is located . . .” This language does not contemplate more than one municipality otherwise language would have been used such as “*the municipalities* in which such trust company or banking institution is located.”

The municipality where the principal office of a trust company or banking institution is located is the municipality designated in two certificates filed with the Secretary of State as the municipality where the business of the trust company or banking institution is to be transacted. The two certificates referred to are the Certificate of Organization and the certificate issued by the Bank Commissioner authorizing the trust company or banking institution to transact business. In these certificates filed with the Secretary of State there are often references to branch locations where the trust company or banking institution will carry on business. However, as only one location is contemplated by the statute, the one location is the principal place of business and not a branch location.

JEROME S. MATUS  
Assistant Attorney General

May 6, 1971  
Aeronautics

Linwood F. Wright, Director

“Airport Construction Fund”; Aroostook Regional Airport Authority; Construction Grant Re Northern Aroostook Airport.