

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date November 1, 1976

To Doris Hayes, Deputy Secretary Dept. State
From Phillip M. Kilmister, Assistant Dept. Attorney General
Subject Corporate Information

In your memorandum under date of September 23, 1976 you set forth the following questions:

"Would it be within the province of the Secretary of State to charge a nominal fee for letters requesting information when received in bulk, perhaps establishing a minimum of five corporations checked at no fee."

The rule making power of the Secretary of State does not embrace the authority to levy fees for the performance of services, including the provision of corporate data and information, absent express statutory authority to do so.

Under the terms of 13-A M.R.S.A. § 1303 the Secretary of State has widespread authority to promulgate rules and regulations in order to implement the terms of our Business Corporation Act, but said rule-making authority does not permit any amendment of, or additions to, the statutory provisions which relate to fees established by the Legislature for the filing of documents and performance of services, as set forth within the Act, specifically by the comprehensive terms of 13-A M.R.S.A. § 1401 - 1404.

Addendum: In closing, I would call your attention to section 408 of Title 1 of the Revised Statutes (our so-called "Right to Know-Law").

When the fulfillment of informational requests by the Department of State involves considerable cost, by way of copying and supplying of public information contained in Departmental files, the costs of supplying said information shall be imposed upon the person requesting same.



PHILLIP M. KILMISTER
Assistant Attorney General

PMK:jg