

MAINE STATE LEGISLATURE

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*Corporations Access To Records,
13-B M.R.S.A. § 715*

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

March 24, 1978

Honorable Kenneth A. Mills
56 High Street
Eastport, Maine 04631

Dear Representative Mills:

I am responding to your request for advice on whether there is any State statute requiring nonstock, nonprofit corporations to make their financial records available for inspection by appropriate municipal officials. After searching the statutes, particularly Titles 13 and 13-B, I must report that I could not identify such statutory requirement.

Title 13-B M.R.S.A. § 715, concerning books and records of nonprofit corporations, does state, in part:

"All books and records of a corporation may be inspected by any officer, director, member, or his agent or attorney, for any proper purpose at any reasonable time."

Therefore, a municipal official who is also an officer, director or member of the corporation would have the right to inspect, but this right would exist because of his relationship with the corporation and not as a result of his municipal office.

Municipal officials may be authorized to inspect corporate books in individual cases if there has been a grant of municipal funds to the corporation and the grant includes an inspection condition. However, this possible authority would exist only on a case-by-case basis and not as a matter of statute.

Please continue to call on us if we may be of assistance.

Sincerely,

A handwritten signature in cursive script, reading "S. Kirk Studstrup".

S. KIRK STUDSTRUP
Assistant Attorney General

SKS/ec