

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 232

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*In Senate, Feb. 23, 1917.*

*Referred to Committee on Taxation and one thousand copies ordered printed. Sent down for concurrence.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Holt of Cumberland.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT Establishing a Uniform Tax on Intangible Personal  
Property.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Intangible personal property of the classes  
2 hereinafter enumerated, belonging to the inhabitants of this  
3 state, is hereby exempted from all taxation other than that  
4 imposed by this act, and shall hereafter be subject to an  
5 annual tax of three mills on each dollar of the fair cash  
6 value thereof, viz: Money on hand, on deposit, or at in-  
7 terest, and other debts due the person to be taxed; public

8 stocks and securities, all stocks, bonds, and notes or other  
9 evidence of indebtedness, of all corporations within or with-  
10 out the state; all annuities payable to the person to be taxed,  
11 when the capital of such annuity is not taxed in this state;  
12 but nothing in this act shall be so construed as to apply to  
13 any property exempted from taxation by law.

Sect. 2. Nothing in section one shall be so construed as to  
2 affect the method now in use for the taxation of savings  
3 banks and trust companies.

Sect. 3. Stock taxable under section thirty-one, chapter  
2 ten of the revised statutes shall be assessed by the board of  
3 state assessors; and the state has a lien on such stock and all  
4 dividends thereon from the date of assessment until such  
5 tax and all costs and expenses arising in the collection there-  
6 of are paid. No assignment, sale, transfer or attachment  
7 passes any property in such stock unless the vendee first  
8 pays such tax and cost.

Sect. 4. All returns of intangible property now required  
2 by law to be made by the officers of any corporation, bank or  
3 banking institution to the local assessors, shall be made to  
4 the board of state assessors.

Sect. 5. The tax levied upon the classes of property  
2 enumerated in section one, shall be assessed to the owner  
3 on the first day of April. On or before the said first day  
4 of April in each year the owner shall make to the board of  
5 state assessors, a general return of his intangible property,  
6 defined in section one of this act, and shall place a valuation

7 of each class. Said return, containing the general classifi-  
8 cation of intangible property as specified in section one of  
9 this act, shall be made on a blank made up by the board of  
10 state assessors.

Sect. 6. The assessors shall, in all cases, require a person  
2 making a return, to make oath that it is true, and this oath  
3 shall be made in such form as the board of state assessors  
4 shall, from time to time, prescribe. Such return shall be  
5 open to the board of state assessors, and its assistants and  
6 clerks, when acting under its authority, but the information  
7 in the return shall be disclosed to no other person, except  
8 by order of court; and any assessors, or other person, who  
9 shall disclose information contained in the return shall be  
10 prosecuted by the attorney general and liable to a fine of  
11 not less than one hundred dollars, or more than five hundred  
12 dollars; or to imprisonment for not less than thirty days or  
13 for not more than six months; or to both fine and imprison-  
14 ment.

Sect. 7. The board of state assessors shall receive as  
2 true, the return brought in by each person, unless he refuses  
3 to answer on oath, if requested, all reasonable and necessary  
4 inquiries as to the nature, amount and value of his property,  
5 taxable under the provisions of this act. Any person mak-  
6 ing a false statement shall be prosecuted and punished for  
7 perjury.

Sect. 8. The board of state assessors shall ascertain as  
2 nearly as possible, the particulars of the personal estate

3 taxable under this act, or any person who has not brought  
4 in such return before the date specified in section five of this  
5 act, and shall estimate its just value according to their best  
6 information and belief. They shall also add thereto, as a  
7 penalty, fifty per cent of the estimated value of such prop-  
8 erty, and such estimate, with the penalty of fifty per cent,  
9 shall be entered in the valuation books, and shall be conclu-  
10 sive upon any person who has not seasonably brought in a  
11 list of property taxable under this act, as enumerated in sec-  
12 tion one, unless he can show a satisfactory excuse for the  
13 omission, in which case the fifty per cent added as penalty,  
14 may be deducted.

Sect. 9. The board of state assessors, on written applica-  
2 tion stating the grounds therefor, within two years from the  
3 assessment, may make such reasonable abatement as it  
4 thinks proper. It shall keep, in suitable book form, a record  
5 of such abatements, with the reasons for each. It shall give  
6 its decision upon any application for abatement within sixty  
7 days from date of application therefor.

Sect. 10. Any person aggrieved by a decision of the board  
2 of state assessors under the preceding section, may appeal to  
3 the supreme judicial court of the county in which he resides.  
4 Such appeal shall be entered at the term first occurring, not  
5 less than thirty days after the board shall have given the  
6 appellant notice in writing of its decision, upon his applica-  
7 tion for such abatement; and notice thereon shall be ordered  
8 by said court in term time or by any justice thereof in vaca-

9 tion and said appeal shall be tried, heard and determined by  
10 the court without a jury in the manner and with the rights  
11 provided by law in other civil cases so heard.

Section 11. If upon such appeal it appears that the appel-  
2 lant has complied with all provisions of law, he may be  
3 granted such abatement as the court may deem reasonable.  
4 If no abatement is granted, judgment shall be rendered in  
5 favor of the state and for its costs be taxed by the court. If  
6 an abatement is granted judgment shall be rendered in favor  
7 of the state for such amount, if any, as may be due, after  
8 deducting the abatement, and the court may make such or-  
9 der relating to the payment of costs as justice shall require.  
10 In either case execution shall issue. The final judgment of  
11 the court shall be forthwith certified by the clerk to the  
12 board of state assessors and the board shall, in all cases,  
13 carry into full effect the judgment. If it be alleged in the  
14 application that the appellant has paid the taxes for which  
15 he has been assessed, and if the court shall so find, judgment  
16 for the amount of the abatement granted, shall be rendered  
17 against the state and execution therefor, and for such costs  
18 as may be awarded, shall issue.

Sect. 12. Such appeal shall be tried at the term to which  
2 the notice is returnable, unless delay shall be granted for  
3 good cause; and said court shall, if requested by the board  
4 of state assessors, advance the case upon the docket so that  
5 it may be tried and decided with as little delay as possible.  
6 Either party may file exceptions to the decisions and rulings

7 of the court upon matters of law arising upon the trial, in  
8 the same manner and with the same effect as is allowed in  
9 the supreme judicial court in the trial of cases with a jury.

Sect. 13. The court may, in its discretion appoint a com-  
2 missioner to hear the parties and to report to the court the  
3 facts, or the facts with the evidence. Such report shall be  
4 prima facie evidence of the facts thereby found. The fees  
5 of the commissioner shall be paid in the same manner as  
6 those of auditors appointed by the court.

Sect. 14. The board of state assessors shall assess the tax  
2 at the uniform rate of three mills, as specified in section one,  
3 upon the property disclosed in the return as originally made  
4 out, or as amended, and notify the owner of the amount of  
5 tax due, on or before the first day of June in each year. If  
6 the tax is not paid on or before the first of September in  
7 each year, the state treasurer shall proceed to collect the tax.  
8 The state shall have a lien upon any intangible property  
9 from the date of assessment. No assignment, sale, transfer  
10 or attachment passes any property in such intangible prop-  
11 erty unless the vendee first pays such tax and costs.

Sect. 15. An action of debt to recover the amount of  
2 taxes assessed under this act, shall lie in the name of the  
3 state treasurer.

Sect. 16. In order to carry out the provisions of this act  
2 the board of state assessors is authorized to employ neces-  
3 sary assistants, and clerks, at an expense not to exceed four  
4 thousand dollars yearly, to be allowed by the governor and  
5 council.

Sect. 17. The board of state assessors shall not include  
2 the valuation of intangible property, assessed under this act,  
3 in making the state valuation on which is based the appor-  
4 tionment of state tax. Of the taxes paid under the pro-  
5 visions of this act, one sixth shall be retained by the state  
6 treasurer for the use of the state. The remainder shall be  
7 paid by the state treasurer to the treasurers of the cities and  
8 towns in the proportions that the intangible property in the  
9 city or town bears to the total amount of intangible property  
10 taxed under this act.

Sect. 18. All acts inconsistent with this act are hereby re-  
2 pealed.

Sect. 19. This act shall take effect January first, nineteen  
2 hundred and eighteen.

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