

# MAINE STATE LEGISLATURE

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(NEW DRAFT)

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**EIGHTY-SECOND LEGISLATURE**

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**H. P. No. 1180**

**H. D. No. 394**

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House of Representatives, March 16, 1925.

Reported by Mr. Hale from Committee on Judiciary and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE

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AN ACT Providing for the Propounding and Prosecution of a Claim by and in the Name of the State of Maine Against the Federal Government for the Recovery of Taxes Heretofore Illegally Assessed in the Years 1866, 1867 and 1868 Against Citizens and Residents of the State of Maine and Paid by Them.

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

Section 1. That the governor be and he is hereby authorized and directed to propound to and against the government of the United States of America and to prosecute to collection, if possible, a claim by and in the name of the

5 state of Maine for all moneys heretofore illegally assessed  
6 and illegally paid into the federal treasury in the years  
7 eighteen hundred and sixty-six, eighteen hundred and sixty-  
8 seven and eighteen hundred and sixty-eight as a direct tax  
9 upon property situated in the state of Maine, including taxes  
10 on incomes.

Sect. 2. The governor is hereby authorized and directed  
2 to employ counsel and to enter into necessary contracts and  
3 agreements with such counsel for the propounding and  
4 prosecution of such claim against the federal government,  
5 and to agree with said counsel on the commission to be  
6 allowed for such work, such commission to be contingent  
7 upon the collection of such moneys from the United States  
8 and to be payable out of the same, and shall not exceed  
9 ten per centum thereof. The state shall not incur any cost  
10 or expense in the propounding or prosecution of such claim  
11 other than such commission.

Sect. 3. Counsel employed under this act shall have au-  
2 thority, in conjunction with counsel employed by other  
3 states, to propose such legislation to the congress of the  
4 United States as may be fitting and necessary to the pro-  
5 pounding and collection of the said claim and for the pay-  
6 ment of such moneys into the treasury of the state of Maine.

Sect. 4. All moneys, so collected from the government  
2 of the United States, shall be paid into the treasury of the  
3 state of Maine, and shall be held by the State of Maine for

4 the period hereinafter specified in trust for the claimants of  
5 such funds.

Sect. 5. Upon the receipt of such funds from the United  
2 States by the treasurer of the state of Maine, it shall be  
3 his duty to give notice to all claimants thereof by publica-  
4 tion once each week for a period of eight successive weeks  
5 in a newspaper or newspapers published in each county in  
6 the state, and if there is no newspaper in any county, by  
7 posting written notices at the front door of the court house  
8 of such county and in the town clerk's office of each town  
9 therein for such period of time, which notices shall set forth  
10 that such moneys have been collected and shall notify all  
11 claimants to propound their claims by proper petition to  
12 a justice of the supreme judicial court, in term time or  
13 vacation, as hereinafter provided, and such notices shall  
14 warn all claimants and persons interested in said moneys  
15 that failure to present such petition within a period of two  
16 years from the date of the last posting or publication of  
17 such notice shall forever bar their right to such funds or  
18 any part thereof, and that in default of presentation of such  
19 petition such funds shall escheat to and become the abso-  
20 lute property of the state of Maine.

Sect. 6. All claimants to such moneys may obtain the  
2 same by a proper petition, evidence and proof, submitted to  
3 a justice of the supreme judicial court, in term time or vaca-  
4 tion, in the same manner that depositors may obtain un-

5 claimed savings bank funds deposited in the state treasury  
6 by order of court.

Sect. 7. At the end of a period of two years from the  
2 date of last publication or posting of the notice provided for  
3 in section five hereof, said funds, to the extent to which no  
4 claims have been made and approved against the same, shall  
5 escheat to and become the absolute property of the state  
6 of Maine. Said funds, to the extent that claims have been  
7 made against the same, shall remain in the state treasury,  
8 subject to the final determination of such claims and all  
9 such funds not finally adjudged to belong to the claimants  
10 thereof shall at that time escheat to and become the abso-  
11 lute property of the State of Maine.