

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND FIRST LEGISLATURE

---

---

Legislative Document

No. 947

---

---

H. P. 691

House of Representatives, January 31, 1963

Referred to Committee on Taxation. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Henry of North Yarmouth.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

---

AN ACT Creating an Excise Tax on Sales of Real Estate.

---

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

Sec. 1. R. S., c. 16, §§ 302 - 308, additional. Chapter 16 of the Revised Statutes is amended by adding 7 new sections to be numbered 302 to 308, to read as follows:

**‘Excise Tax on Sales of Real Estate.**

Sec. 302. Excise tax on conveyances. There shall be imposed a tax on each deed, instrument or writing, unless deposited in escrow before January 1, 1964, whereby any lands, tenements or other realty sold shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person, or persons, by his, her or their direction, when the consideration or value or the interest or property conveyed, exclusive of the value of any lien or incumbrance remaining thereon at the time of the sale, exceeds \$100 and does not exceed \$500, in the amount of 55c, and at the rate of 55c for each additional \$500 or fractional part thereof.

The tax imposed by this section shall not apply to any instrument or writing given to secure a debt.

Sec. 303. Liability for tax. The tax imposed by section 302 shall be paid by any person who makes, signs or issues any of the deeds or instruments subject to the tax imposed thereby, or for whose use or benefit the same are made, signed or issued.

The United States of America and the State of Maine or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and the tax shall be paid by the other party liable therefor.

Sec. 304. Collection. Payment of the tax shall be evidenced by the affixing of a tax stamp to the document. The tax shall be payable to the county treasurer of the county where the land or some part thereof is situated at the time of recording such deed or conveyance, or the county treasurer may appoint an agent or agents to collect the tax who shall be bonded to the county.

Sec. 305. Recording of deeds. All deeds and other instruments on which excise tax stamps are to be affixed under sections 302 to 304 may not be recorded in any of the registries of deeds within the State unless such stamps are affixed thereto, or unless such deed or instrument bears the statement "consideration less than \$100" over the signature of the grantor.

Sec. 306. Disposition of funds. The funds received from sale of tax stamps shall be held by the county treasurer in a separate fund from which no disbursements shall be made during the calendar year in which they are collected. Said funds may be invested in the short term obligations of the Federal Government.

The following calendar year the county commissioners shall apply the full amount of such taxes and interest accrued thereon to reduce the tax authorized by the Legislature before levying the county tax on the municipalities and unincorporated and unorganized territory in the county.

Sec. 307. Tax stamps. The State Tax Assessor shall cause excise tax stamps to be printed in suitable denominations and furnish them to the county treasurers at cost plus 100% to cover his cost of handling.

Sec. 308. Penalty. Whoever violates sections 302 to 307 shall be punished by a fine of not less than \$50 nor more than \$500.

Sec. 2. Effective date. This act shall become effective on January 1, 1964.