

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 7.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-THREE.

AN ACT to Tax Collateral Inheritances.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. All property within the jurisdiction of this
2 state, and any interest therein, whether belonging to
3 inhabitants of this state or not, and whether tangible or
4 intangible, which shall pass by will or by the intestate
5 laws of this state, or by deed, grant, sale, or gift made or
6 intended to take effect in possession or enjoyment after
7 the death of the grantor, to any person in trust or other-
8 wise, other than to or for the use of the father, mother,
9 husband, wife, lineal descendant, adopted child, the lineal
10 descendant of any adopted child, the wife or widow of a
11 son, or the husband of the daughter of a decedant, shall
12 be liable to a tax of two and a half per centum of its

13 value, above the sum of five hundred dollars, for the use
14 the state, and all administrators, executors, and trustees,
15 and any such grantee under a conveyance made during
16 the grantor's life shall be liable for all such taxes, with
17 lawful interest as hereinafter provided, until the same
18 shall have been paid as hereinafter directed.

SECT. 2. When any person shall bequeath or devise
2 any property to or for the use of father, mother, husband,
3 wife, lineal descendant, an adopted child, the lineal de-
4 scendant of any adopted child, the wife or widow of a
5 son, or the husband of a daughter during life or for a
6 term of years, and the remainder to a collateral heir, or
7 to a stranger to the blood, the value of the prior estate
8 shall, within sixty days after the death of the testator, be
9 appraised in the manner hereinafter provided, and de-
10 ducted, together with the sum of five hundred dollars,
11 from the appraised value of such property, and said tax
12 on the remainder shall be payable within one year from
13 the death of said testator, and, together with any inter-
14 est that may accrue on the same, be and remain a lien on
15 said property till paid to the state.

SECT. 3. Whenever a decedent appoints one or more
2 executors or trustees, and in lieu of their allowance makes
3 a bequest or devise of property to them which would
4 otherwise be liable to said tax, or appoints them his
5 residuary legatees, and said beque-ts, devises, or resid-
6 uary legacies exceed what would be a reasonable com-
7 pensation for their services, such excess shall be liable to

8 such tax, and the court of probate having jurisdiction of
9 their accounts shall determine what shall be such reason-
10 able compensation.

SECT. 4. All taxes imposed by this act shall be paya-
2 ble to the treasurer of state by the executors, adminis-
3 trators, or trustees within one year from the death of said
4 testator, or intestate, or the qualification of said trustee ;
5 and if the same are not so paid, interest at the rate of nine
6 per centum shall be charged them and collected from the
7 time said tax became due.

SECT. 5. Any administrator, executor, or trustee,
2 having in charge or trust any property subject to such tax,
3 shall deduct the tax therefrom, or shall collect the tax
4 thereon from the legatee or person entitled to said property,
5 and he shall not deliver any specific legacy or property
6 subject to said tax to any person until he has collected the
7 tax thereon.

SECT. 6. Whenever any legacies subject to said tax
2 shall be charged upon or payable out of any real estate,
3 the heir or devisee, before paying the same, shall deduct
4 said tax therefrom and pay it to the executor, adminis-
5 trator, or trustee, and the same shall remain a charge upon
6 said real estate until it is paid ; and payment thereof shall
7 be enforced by the executor, administrator, or trustee, in
8 the same manner as the payment of the legacy itself could
9 be enforced.

SECT. 7. If any such legacy be given in money to any
2 person for a limited period, such administrator, executor,

3 or trustee shall retain the tax on the whole amount; but if
4 it be not in money, he shall make an application to the
5 judge of probate having jurisdiction of his accounts to make
6 an apportionment, if the case require it, of the sum to be
7 paid into his hands by such legatee on account of said tax
8 and for such further order as the case may require.

SECT. 8. All administrators, executors, and trustees
2 shall have power to sell so much of the estate of the
3 deceased as will enable them to pay said tax in the same
4 manner as they may be empowered to do for the payment
5 of his debts.

SECT. 9. A copy of the inventory of every estate, any
2 part of which may be subject to a tax under the pro-
3 visions of sections sixty-four to eighty inclusive, or if
4 the same can be conveniently separated, then a
5 copy of such part of such inventory with the appraisal
6 thereof, shall be sent by mail by the register or the judge
7 of the court of probate in which such inventory is filed,
8 to the state assessors within ten days after the same is
9 filed. The fees for such copy shall be paid by the execu-
10 tor, administrator, or trustee, and allowed in his account.

SECT. 10. Whenever any of the real estate of a deced-
2 ent shall so pass to another person as to become subject to
3 said tax, the executor, administrator, or trustee of the
4 decedent shall inform the state assessors thereof within six
5 months after he has assumed the duties of his trust, or if
6 the fact is not known to him within that time, then within
7 one month after it does become so known to him.

SECT. 11. Whenever for any reason the devisee, legatee, or heir who has paid any such tax shall refund any portion of the property on which it was paid, or it shall be judicially determined that the whole or any part of such tax ought not to have been paid, said tax, or the due proportional part of said tax, shall be paid back to him by the executor, administrator, or trustee.

SECT. 12. The value of such property as may be subject to said tax shall be its actual market value as found by the judge of probate; but the state assessors, or any person interested in the succession to said property, may apply to the judge of probate having jurisdiction of the estate, and on such application the judge shall appoint three disinterested persons, who, being first sworn, shall view and appraise such property at its actual market value for the purposes of said tax, and shall make return thereof to said probate court, which return may be accepted by said court in the same manner as the original inventory of such estate is accepted, and if so accepted it shall be binding upon the person by whom this tax is to be paid, and upon the state. And the fees of the appraisers shall be fixed by the judge of probate and paid by the executor, administrator, or trustee. In case of an annuity or life estate the value thereof shall be determined by the so called actuaries' combined experience tables and five per centum compound interest.

SECT. 13. The court of probate, having either principal or ancillary jurisdiction of the settlement of the estate

3 of the decedent, shall have jurisdiction to hear and deter-
4 mine all questions in relation to said tax that may arise
5 affecting any devise, legacy, or inheritance under this
6 act, subject to appeal as in other cases, and the attorney
7 general shall represent the interests of the state in any such
8 proceedings.

SECT. 14. Every judge of probate shall, as often as
2 once in six months, render to the state assessors a state-
3 ment of the property within the jurisdiction of his court
4 that has become subject to said tax during such period,
5 the name of the testator, intestate or grantor, and the
6 name of the beneficiary whose estate is so taxable, and
7 amount of such taxes as will accrue during the next six
8 months, so far as the same can be determined from the
9 probate records, and the number and amount of such taxes
10 as are due and unpaid.

SECT. 15. The fees of judges or registers of probate
2 for the duties required of them by this act shall be, for
3 each order, appointment, decree, judgment, or approval
4 or appraisal of report required hereunder, fifty cents, and
5 for copies of records, the fees that are now allowed by
6 law for the same. And the administrators, executors,
7 trustees, or other persons paying said tax shall be entitled
8 to deduct the amount of all such fees paid to the judge or
9 register of probate from the amount of said tax to be
10 paid to the treasurer of state.

SECT. 16. No final settlement of the account of any
2 executor, administrator, or trustee shall be accepted or

3 allowed by any judge of probate unless it shall show, and
4 the judge of said court shall find, that all taxes, imposed
5 by the provisions of this act, upon any property or inter-
6 est therein belonging to the estate to be settled by said
7 account, shall have been paid, and the receipt of the treas-
8 urer of state for such tax shall be the proper voucher for
9 such payment.

• SECT. 17. In the foregoing sections relating to collat-
2 eral inheritances the word "person" shall be construed to
3 include bodies corporate as well as natural persons; the
4 word "property" shall be construed to include both real
5 and personal estate, and any form of interest therein what-
6 soever, including annuities.

SECT. 18. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 23, 1893. }

Reported by Mr. WEEKS of Fairfield, from Joint Special Committee
on Taxation and ordered printed under joint rules.

W. S. COTTON, *Clerk.*