

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 19

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## STATE OF MAINE.

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

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AN ACT to Provide for the Taxation of National Bank  
Deposits.

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

Section 1. Every person having, at any time during the  
2 six months next preceding the first day of April and Octo-  
3 ber, an interest bearing deposit in a national bank in this  
4 State shall, except as otherwise provided by this act, within  
5 twenty days thereafter, report the average amount thereof  
6 for such six months and the name of such bank to the board  
7 of State assessors, on blanks prepared and furnished by  
8 them to such depositor on application therefor.

Sect. 2. Every person so having an interest bearing deposit in a national bank in this State shall annually, except as otherwise provided in this act, report to the assessors of the town wherein he resides, the names of all national banks located in this State wherein he had any such deposits at any time during the year next preceding the first day of April in the year wherein such report is made, and the average amount of each such deposit separately for the six months next preceding such first day of April, and for the six months next preceding the first day of October next before such report.

Sect. 3. The assessors in every town shall, on or before the tenth day of May, upon blanks to be furnished by the board of State assessors, make a return of the reports submitted to them under section two.

Sect. 4. Such reports shall be kept on file by said board for three years from and after the dates on which the taxes based thereon became due and payable to the State. Such reports shall not be subjected to the inspection of any person other than said board and the employes of their office, the attorney-general, and the county attorney of the county wherein such bank has its principal place of business, or said depositor, if a resident of this State, has his domicile. Any information contained in such reports shall not be disclosed by any person authorized to examine the same, except by the direction of a court of competent jurisdiction.

Sect. 5. Every person so having an interest bearing deposit in a national bank in this State shall semi-annually, except as otherwise provided by this act, pay a tax to the State, which is hereby assessed at the rate of one-half of one per cent semi-annually upon the average amount of such deposit, so held by such national bank at any time during the six months next preceding the first day of April and October; and no deduction therefrom shall be made on account of any exemption. The taxes imposed by this section shall be paid to the State treasurer semi-annually, on or before the last day of May and November next following the dates whereon the reports provided for in section one are required to be made.

Sect. 6. No other tax shall be assessed on such deposits in national banks, nor against the depositors on account thereof.

Sect. 7. A depositor who wilfully fails to make reports or pay the taxes provided by this act shall forfeit ten per cent of such deposit to the use of the State for each month's delay in filing such report. Such tax and forfeiture may be recovered in an action of debt, in the name of the State.

Sect. 8. A person having any of the moneys, goods, chattels, effects, rights or credits of said depositor in his possession may be summoned as trustee in any action instituted under the preceding section.

Sect. 9. If the board of State assessors, or the court wherein such action is pending for the recovery of such tax or forfeiture becomes satisfied that such failure was not

4 wilful on the part of the depositor, said board or said court  
5 may, in its discretion, waive any part or all of such penalty.

Sect. 10. If a national bank in this State so elects, it may  
2 pay to the State all taxes provided by this act; and it shall  
3 be lawful for such bank to deduct such taxes so paid from  
4 the interest or deposits then or thereafter held by it belong-  
5 ing to the person from whom such tax became due.

Sect. 11. If a national bank elects so to pay such taxes to  
2 the State and to make returns as hereinafter provided, it  
3 shall annually, on or before the first day of April and Octo-  
4 ber, file with the board of State assessors a stipulation set-  
5 ting forth such fact; and thereupon such bank shall become  
6 liable to the State for such tax of one-half of one per cent  
7 of the average amount of such deposits held by such bank  
8 during the six months named in such stipulation and to  
9 make returns as hereinafter provided; and no depositor in  
10 such bank shall be required to make the returns hereinbefore  
11 specified covering the six months' period for which such  
12 stipulation was filed.

Sect. 12. Upon such stipulation being filed, said board  
2 shall issue in duplicate to such bank a certificate showing  
3 that it has filed such stipulation.

Sect. 13. If such bank, on or before the first day of April,  
2 files a stipulation as hereinbefore provided, it shall, on or  
3 before the thirty-first day of the following October, file  
4 a return with the State treasurer and board of State as-  
5 sessors, verified by the oath of its president, cashier or one

6 of its directors, showing the average amount of such de-  
7 posits for the six months ending the thirtieth day of Sep-  
8 tember in that year, and shall pay to the State treasurer  
9 the amount of such semi-annual tax. In case such bank,  
10 on or before the first day of October, files a like stipulation,  
11 it shall, on or before the thirtieth day of the following April,  
12 file a like return with the first named officers, showing the  
13 average amount of such deposits for the six months ending  
14 with the thirty-first day of March next preceding the making  
15 of such return, and shall, in like manner, pay such taxes.

Sect. 14. The president, cashier, or other officer of every  
2 national bank in this State which has not on or before the  
3 first day of April filed the stipulation hereinbefore provided  
4 shall, on or before the thirty-first day of the following Octo-  
5 ber, file a return with the board of State assessors, verified  
6 by oath, showing the names of all residents of this State  
7 so having an interest bearing deposit in such bank, their  
8 several places of residence, and the average amounts of  
9 their several deposits for the six months next preceding  
10 the first day of October in that year. In case such bank  
11 has not, on or before the first day of October, filed a like  
12 stipulation, such president, cashier, or other officer shall on  
13 or before the thirtieth day of the following April file a like  
14 return with the board of State assessors, showing the names  
15 of all residents of this State so having an interest bearing  
16 deposit in such bank, their several places of residence, and  
17 the average amounts of their several deposits for the six

18 months next preceding the first day of April next prior to  
19 the making of such return. If no such return is filed, the  
20 president and cashier of such bank shall be severally liable  
21 to a penalty of \_\_\_\_\_ to be recovered in an action of  
22 debt in the name of the State.

Sect. 15. The provisions of this act shall not apply to  
2 municipalities; nor to institutions organized solely for bene-  
3 volent, charitable, educational or religious purposes; nor to  
4 railroad, insurance, express, telegraph, telephone, sleeping  
5 car, parlor car, or loan and building companies; nor to  
6 savings banks or trust companies which have interest bear-  
7 ing deposits in national banks; nor to national banks having  
8 an interest bearing deposit in another national bank; nor  
9 to any person having any sum of money on deposit in a  
10 national bank whereon interest not exceeding the rate of  
11 three per cent per annum is paid or allowed him by such  
12 national bank.

Sect. 16. All acts and parts of acts inconsistent herewith  
2 are hereby repealed; provided, however, that nothing in  
3 this act shall be construed as exempting from taxation any  
4 deposit in any national bank, except as herein provided;  
5 and provided, further, that nothing in this act shall be con-  
6 strued as exempting from taxation any shares in or real  
7 estate owned by any national bank.

Sect. 17. This act shall take effect when approved.