

NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 207

In Senate, Mar. 17, 1911.

Reported by Mr. Gowell from committee on Judiciary and ordered printed under joint rules.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to amend Chapter 8 of the Revised Statutes, as amended by Chapter 186 of the Public Laws of 1909, Chapter 124 of the Public Laws of 1905 and Chapter 187 of the Public Laws of 1909.

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

Section 1. Section 69 of Chapter 8 of the Revised Statutes, as amended by Chapter 186 of the Public Laws of 1909 is hereby further amended so as to read as follows:

'Sect. 69. All property within the jurisdiction of this State, and any interest therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, which shall pass by will, by the intestate laws of this state, by allowance of a judge of probate to a widow

9 or child by deed, grant, sale or gift (except in cases of a
10 bona fide purchase for full consideration in money or
11 money's worth) and except as herein otherwise provided
12 made or intended to take effect in possession or enjoyment
13 after the death of the grantor, to any person in trust or
14 otherwise, except to or for the use of any educational, charit-
15 able, religious or benevolent institution in this state, the
16 property of which is by law exempt from taxation, shall be
17 subject to an inheritance tax for the use of the state as here-
18 inafter provided. Property which shall so pass to or for
19 the use of (Class A) the husband, wife, lineal ancestor,
20 lineal descendant, adopted child, the adopted parent, the
21 wife or widow of a son, or the husband of a daughter of a
22 decedent, shall be subject to a tax upon the value of each
23 bequest, devise or distributive share, in excess of the ex-
24 emption hereinafter provided, of one per cent. if such value
25 does not exceed fifty thousand dollars, one and one-half
26 per cent. if such value exceeds fifty thousand dollars and
27 does not exceed one hundred thousand dollars, and two per
28 cent. if such value exceeds one hundred thousand dollars ;
29 the value exempt from taxation to or for the use of a hus-
30 band, wife, father, mother, child, adopted child or adopted
31 parent shall in each case be ten thousand dollars, and the
32 value exempt from taxation to or for the use of any mem-
33 ber of Class A shall in each case be five hundred dollars.
34 Property which shall so pass to or for the use of (Class B)
35 a brother, sister, uncle, aunt, nephew, niece or cousin of

36 decedent, shall be subject to a tax upon the value of each
37 bequest, devise or distributive share in excess of five hun-
38 dred dollars, and the tax of this class shall be four per cent.
39 of its value for the use of the state if such value does not
40 exceed fifty thousand dollars, four and one-half per cent.
41 if its value exceeds fifty thousand dollars and does not ex-
42 ceed one hundred thousand dollars and five per cent. if its
43 value exceeds one hundred thousand dollars. Property
44 which shall pass to or for the use of any others than mem-
45 bers of Class A, Class B and the institutions excepted in the
46 first sentence of this Section, shall be subject to a tax upon
47 the value of each bequest, devise or distributive share in
48 excess of five hundred dollars, and the tax of this class shall
49 be five per cent. of its value for the use of the state if such
50 value does not exceed fifty thousand dollars, six per cent.
51 if its value exceeds fifty thousand and does not exceed one
52 hundred thousand dollars and seven per cent. if its value
53 exceeds one hundred thousand dollars. Administrators,
54 executors and trustees, and any grantees under such con-
55 veyances made during the grantor's life shall be liable for
56 such taxes, with interest, until the same have been paid.'

Sect. 2. Section 72 of Chapter 8 of the Revised Statutes
2 as amended by Section 2 of Chapter 187 of the Public Laws
3 of 1909 is hereby further amended so as to read as fol-
4 lows:

'Sect. 72. All taxes imposed by Section 69 upon the es-
6 tates of deceased residents of this state shall be payable to

7 the treasurer of state and all taxes imposed by said Sec-
8 tion 69 upon the estates of non-resident decedents to the
9 attorney general by the executors, administrators or trus-
10 tees at the expiration of two years after the granting of let-
11 ters testamentary or of administration; but if legacies or
12 distributive shares are paid within two years, the tax there-
13 on shall be payable at the same time; and if the same are
14 not so paid, interest at the rate of six per cent. a year shall
15 be charged and collected from the time the same became
16 payable; but no such tax upon estates of residents or in-
17 habitants of this state shall be accepted except upon pres-
18 entation of a certificate from a probate court showing the
19 amount of such tax due. It shall be the duty of the personal
20 representative of said deceased to petition the probate court
21 having jurisdiction to assess such taxes before the payment
22 of any such legacies or distributive shares, and before the
23 expiration of two years after the granting of letters afore-
24 said. The Register of Probate shall send by registered mail,
25 a copy of such petition to the attorney general at least seven
26 days before the hearing thereon unless the attorney general
27 in writing waives the same.

‘If no such petition is filed within the time limited, the at-
29 torney general may file a similar petition, of which, unless
30 notice is waived, at least fourteen days notice shall be given
31 such personal representative or his agent. In either case
32 the attorney general may appear and be heard upon the as-
33 sessment of such tax and an appeal may be had from the

34 decree of the judge of probate by either party. Real estate
35 of which the decedent died seized or possessed, subject to
36 taxes as aforesaid shall be charged with a lien for all such
37 taxes and interest, which lien may be discharged by the
38 payment of all taxes due and to become due upon said real
39 estate or separate parcel thereof, or by an order or decree
40 of the probate court discharging said lien, said order or
41 decree to be granted by the probate court upon the deposit
42 with said court of a sum of money or a bond, sufficient to
43 secure to the state the payment of any tax due or to become
44 due on said real estate. Orders or decrees discharging such
45 lien may be recorded in the Registry of Deeds in the county
46 where said real estate is located.'

Sect. 3. Section 88 of Chapter 8 of the Revised Statutes
2 as contained in Section 7 of Chapter 187 of the Public Laws
3 of 1909 is hereby amended by striking out in the fifth line
4 thereof the word "account" and inserting in lieu thereof the
5 word 'inventory.'

Sect. 4. Chapter 8 of the Revised Statutes is hereby fur-
2 ther amended by adding thereto the following sections.

'Sect. 90. Clerks of cities and towns shall report to the
4 attorney general the names of all persons dying within their
5 respective municipalities who in the judgment of said clerks
6 leave estates the value whereof exceeds five hundred dollars,
7 together with the names of husband, wife and next of kin
8 so far as known to him; such report shall be mailed to the
9 attorney general within ten days of the time when the cer-

10 tificate of death is filed with such clerk, and a fee of twenty-
11 five cents shall be paid said clerk by the state therefor. The
12 attorney general shall prepare and furnish blanks for such
13 returns.

Sect. 91. When the personal estate passing from any
15 person, not an inhabitant or resident of this state, as pro-
16 vided in Section 69 of Chapter 8 of the Revised Statutes,
17 shall consist in whole or in part of shares of any railroad,
18 or street railway company or telegraph or telephone com-
19 pany incorporated under the law of this state and also of
20 some other state or country, so much only of each share
21 as is proportional to the part of such company's lines lying
22 within this state shall be considered as property of such
23 person within the jurisdiction of this state for the purposes
24 of this Chapter.

Sect. 92. When the personal estate passing from any de-
26 ceased person not an inhabitant or resident of this state,
27 as provided in Section sixty-nine, shall consist of the stocks,
28 bonds or other debt or certificate of indebtedness of any
29 corporation organized under the laws of Maine, no collateral
30 inheritance tax shall be assessed upon the same unless said
31 corporation shall at the time of such decease have tangible
32 property within the State exceeding one thousand dollars in
33 value. The attorney general, upon satisfactory evidence
34 and payment of a fee of five dollars to the use of the State
35 shall file a certificate in the office of the Secretary of State
36 that any such corporation has not tangible property within

37 the state exceeding one thousand dollars in value. Such
38 certificate may at any time after notice and upon satisfac-
39 tory evidence, be revoked. A copy of the certificate of revo-
40 cation shall be sent to the clerk, and to any stock registrar
41 or transfer agent whose name is on file with said secretary.
42 Until the receipt of such certificate of revocation any such
43 stock registrar or transfer agent may lawfully transfer the
44 stock of said corporation and perform all other duties in-
45 cident to his office.

Sect. 93. Subject to the provisions of Section 92 if a
47 foreign executor, administrator or trustee assigns or trans-
48 fers any stock in any national bank located in this state or
49 in any corporation organized under the laws of this state,
50 owned by a deceased non-resident at the date of his death
51 and liable to a tax under the provisions of this Chapter,
52 the tax shall be paid to the attorney general at the time of
53 such assignment or transfer; and if it is not paid when
54 due, such executor, administrator or trustee shall be per-
55 sonally liable therefor until it is paid. Subject to the pro-
56 visions of Section 92 a bank located in this state or a cor-
57 poration organized under the laws of this state which shall
58 record a transfer of any share of its stock made by a foreign
59 executor, administrator or trustee, or issue a new certificate
60 for a share of its stock at the instance of a foreign executor,
61 administrator or trustee before all taxes imposed thereon
62 by the provisions of this Chapter have been paid, shall be
63 liable for such tax in an action of debt brought by the at-
64 torney general.

Sect. 94. Subject to the provisions of Section 92 no person or corporation shall deliver or transfer any securities or assets belonging to the estate of a non-resident decedent to anyone unless authority to receive the same shall have been given by a probate court of this state, and upon satisfactory evidence that all inheritance taxes provided for by this Chapter have been paid, guaranteed and secured as hereinbefore provided. Any person or corporation that delivers or transfers any securities or assets in violation of the provisions of this Section shall be liable for such tax in an action of debt brought by the attorney general.

Sect. 95. The attorney general shall promptly commence proceedings for the recovery of any of said taxes within six months after the same became payable; and shall commence the same when the judge of a probate court certifies to him that the final account of an executor, administrator or trustee has been filed in such court, and that the settlement of the estate is delayed because of the non-payment of said tax. The judge of the probate court shall so certify upon the application of any heir, legatee or other person interested therein, and may extend the time of payment of said tax whenever the circumstances of the case require.

Sect. 96. This act shall not apply to estates of persons deceased prior to the date of taking effect of the same, nor to property passing by deed, grant, sale or gift made prior to said date, but said estates and property shall remain subject to the provisions of law in force prior to the taking effect of this act.

Sect. 97. All moneys received by the attorney general as taxes collected under the provisions of this Chapter shall be by him forthwith paid to the state treasurer.'