

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 131

In Senate, Feb. 21, 1923.

Referred to Committee on Cole Report and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Cram of Cumberland.

STATE OF MAINE

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

AN ACT to Amend Sections Nineteen, Twenty-two and
Twenty-three of Chapter Nine of the Revised Statutes, and
Sections Twenty-eight, Thirty and Thirty-three of Chapter
Fifty-one of the Revised Statutes, Relating to Corporations.

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

Section 1. Section nineteen of chapter nine of the re-
2 vised statutes is hereby amended by striking out the word
3 "July" in the first line and inserting in place thereof the
4 word 'October,' and by striking out the words "secretary
5 of state" in the fourth line and inserting in place thereof
6 the words 'attorney general,' and by striking out the words

7 “into the state treasury” in the sixth line, so that said
8 section as amended shall read as follows:

‘Sect. 19. The board of state assessors shall, on or be-
2 fore the first day of October, annually, assess the tax pro-
3 vided by the preceding section upon the authorized capital
4 stock of each of said corporations and shall certify the
5 same to the attorney general, who shall thereupon notify
6 each of said corporations of the amount of said tax as-
7 sessed to it, and such tax shall become due and payable
8 from said corporation, on the first day of January there-
9 after.’

Sect. 2. Section twenty-two of said chapter is hereby
2 amended by striking out the words “The treasurer of state”
3 in the first line, and by striking out the words “shall report
4 the same to” in the fourth line, and by striking out the word
5 “who” in the fourth line, so that said section as amended
6 shall read as follows:

‘Sect. 22. Whenever any tax due under the four preced-
2 ing sections from any company shall have remained in
3 arrears for a period of six months after the same shall
4 have become payable, the attorney general shall forthwith
5 apply to the supreme judicial court in equity in the name
6 of the state, for the forfeiture of the charter of such de-
7 linquent corporation, and said court shall order such notice
8 to all parties interested as it may deem proper and shall
9 have jurisdiction in said cause to appoint receivers, issue
10 injunctions and pass interlocutory decrees and orders ac-

11 cording to the usual course of proceedings in equity, and
12 to make such final orders and decrees as the nature of the
13 case may require.'

Sect. 3. Section twenty-three of said chapter is hereby
2 amended by striking out the word "August" in the eighth
3 line and inserting in place thereof the word 'February,' and
4 by striking out the word "all" in the eleventh line and in-
5 serting in place thereof the word 'its,' and by striking out
6 the word "December" in the twelfth line and inserting in
7 place thereof the word 'June,' so that said section as amend-
8 ed shall read as follows:

'Sect. 23. The secretary of state shall annually prepare
2 a list of all corporations that have failed to pay their annual
3 franchise tax for the preceding year, giving the corporate
4 name, the name of the treasurer last filed in the office of
5 the secretary of state, and the amount of the tax due from
6 each corporation, except those from which by reason of
7 having been duly excused as provided by statute, or dis-
8 solved by decree of court, no franchise tax is due for such
9 year, which list shall be published three times for three
10 consecutive weeks in the month of February in three places
11 within the state, namely, Bangor, Portland and Augusta,
12 in such newspapers in each place as the secretary of state
13 may select. If any corporation so advertised shall fail to
14 pay its franchise tax due the state for such year, and the
15 expense of advertising the same, on or before the first day
16 of June following, its charter shall be suspended, and such

17 corporation shall have no right to use the same.'

Sect. 4. Section twenty-eight of chapter fifty-one of the
2 revised statutes is hereby amended by striking out the word
3 "June" in the ninth line and inserting in place thereof the
4 word 'January,' so that said section as amended shall read
5 as follows:

'Sect. 28. Every corporation incorporated under the laws
2 of this state, excepting religious, charitable, educational and
3 benevolent corporations, and excepting such corporations
4 as may be organized under the first fourteen sections of
5 chapter sixty-two, and such corporations as are liable to
6 a franchise tax other than the tax provided for in section
7 eighteen of chapter nine, and such corporations as have
8 been or may hereafter be excused from filing annual re-
9 turns under the provisions of section thirty-three of this
10 chapter, so long as their franchises remain unused, shall
11 on or before the first day of January, annually, make a
12 return to the secretary of state, signed by its president or
13 treasurer, verified under oath, containing the names of its
14 directors, president, treasurer and clerk, with the residence
15 of each, the location of its principal office in this state, and
16 the amount of its authorized capital stock; and for this
17 purpose the secretary of state shall furnish blanks in proper
18 form and safely keep in his office all such returns.'

Sect. 5. Section thirty of said chapter is hereby amended
2 by striking out the word "July" in the sixth line and in-

3serting in place thereof the word 'October,' so that said
4section as amended shall read as follows:

'Sect. 30. Whenever any corporation or its officers neglect to make to the secretary of state any return required by law, the secretary of state shall forthwith notify the attorney general, who shall proceed at once, by action of debt in the name of the state, to enforce the penalties therefor, and shall make itemized return thereof in his annual report. The secretary of state, on or before the first day of October, annually, shall furnish the attorney general with a statement showing which of said corporations, if any, have failed to comply with the preceding section, with such other memoranda from his office as will aid the attorney general in obtaining service upon such delinquent corporation. In addition to said penalties, the following costs shall be recovered in behalf of the state against said corporation, to wit: for the attorney general, for the writ, an attorney fee, and travel and attendance at court not exceeding two terms; and for the state, such other costs as are legally taxable in actions at law. Such action may be brought in any county.'

Sect. 6. Section thirty-three of said chapter is hereby amended by inserting after the word "business" in the second line the words 'and that it is not indebted to the state on account of franchise taxes,' so that said section as amended shall read as follows:

'Sect. 33. The attorney general, upon application by any

2 corporation, and satisfactory proof that it has ceased to
3 transact business, and that it is not indebted to the state
4 on account of franchise taxes, shall file a certificate of the
5 fact with the secretary of state, and shall give a duplicate
6 certificate to the corporation; and thereupon such corpo-
7 ration shall be excused from filing annual returns with the
8 secretary of state.'