

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 414

H. D. No. 87

House of Representatives, Feb. 5, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Deering of Saco.

STATE OF MAINE

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

AN ACT Providing for the Propounding and Prosecution of
a Claim by and in the Name of the State of Maine Against
the Federal Government for the Recovery of Taxes Here-
tofore Illegally Assessed Against Citizens and Residents of
the State of Maine and Paid by Them.

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

Section 1. That the governor be and he is hereby author-
2 ized and directed to propound to and against the govern-
3 ment of the United States of America and to prosecute to
4 collection, if possible, a claim by and in the name of the
5 state of Maine for all moneys heretofore paid illegally into
6 the federal treasury as a direct tax upon property situated
7 in the state of Maine.

Sect. 2. The governor is hereby authorized and directed
2 to employ counsel and to enter into necessary contracts and
3 agreements with such counsel for the propounding and
4 prosecution of such claim against the federal government,
5 and to agree with said counsel on the commission to be
6 allowed for such work, such commission to be contingent
7 upon the collection of such moneys from the United States
8 and to be payable out of the same, and shall not exceed
9 ten per centum thereof. The state shall not incur any cost
10 or expense in the propounding or prosecution of such claim
11 other than such commission.

Sect. 3. Counsel employed under this act shall have au-
2 thority, in conjunction with counsel employed by other
3 states, to propose such legislation to the Congress of the
4 United States as may be fitting and necessary to the pro-
5 pounding and collection of the said claim and for the pay-
6 ment of such moneys into the treasury of the state of Maine.

Sect. 4. All moneys, so collected from the government
2 of the United States, shall be paid into the treasury of the
3 state of Maine, and shall be held by the state of Maine for
4 the period hereinafter specified in trust for the claimants
5 of such funds.

Sect. 5. Upon the receipt of such funds from the United
2 States by the treasurer of the state of Maine, it shall be
3 his duty to give notice to all claimants thereof by publi-
4 cation once each week for a period of eight successive
5 weeks in a newspaper or newspapers published in each

6 county in the state, and if there is no newspaper in any
7 county, by posting written notices at the front door of the
8 court house of such county and in the town clerk's office
9 of each town therein for such period of time, which notices
10 shall set forth that such moneys have been collected and
11 shall notify all claimants to propound their claims by proper
12 petition to a justice of the supreme judicial court, in term
13 time or vacation, as hereinafter provided, and such notice
14 shall warn all claimants and persons interested in said
15 moneys that failure to present such petition within a period
16 of two years from the date of the last posting or publi-
17 cation of such notice, shall forever bar their right to such
18 funds or any part thereof, and that in default of presenta-
19 tion of such petition such funds shall escheat to and be-
20 come the absolute property of the state of Maine.

Sect. 6. All claimants to such moneys may obtain the
2 same by a proper petition, evidence and proof, submitted
3 to a justice of the supreme judicial court, in term time or
4 vacation, in the same manner that depositors may obtain
5 unclaimed savings bank funds deposited in the state treas-
6 ury by order of court.

Sect. 7. At the end of a period of two years from the
2 date of last publication or posting of the notice provided
3 for in section five hereof, said funds, to the extent to which
4 no claims have been made and approved against the same,
5 shall escheat to and become the absolute property of the
6 state of Maine. Said funds, to the extent that claims have

7 been made against the same, shall remain in the state treas-
8 ury, subject to the final determination of such claims and
9 all such funds not finally adjudged to belong to the claim-
10 ants thereof shall at that time escheat to and become the
11 absolute property of the state of Maine.