

MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

House Document

No. 58

H. P. 239 House of Representatives, Feb. 2, 1927.

Referred to Committee on Taxation and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Foster of Ellsworth.

STATE OF MAINE

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

AN ACT to Obtain the Benefit of Credit Allowed Under
Federal Estate Tax.

EMERGENCY PREAMBLE

Whereas, under the provisions of the Federal Revenue Act relating to the assessment and collection of the estate tax the return must be filed within one year after the death of the decedent, and

Whereas, the deferred operation of this act would be inconsistent with its profitable, proper and efficient administration, and may cause great loss of revenue justly due the state, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution and re-

quire the following legislation as immediately necessary for the preservation of the public peace, health and safety,

Now therefore

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

Section 1. There shall be assessed by the attorney general 2 in addition to the inheritance tax as now provided by chap- 3 ter sixty-nine of the revised statutes, an estate tax upon 4 all estates which are subject to taxation under the present 5 federal revenue act of nineteen hundred twenty-six. Said 6 tax is hereby imposed upon the transfer of the estate of 7 every person, who at the time of his death was a resident 8 of this state. The amount of said tax so assessed shall be the 9 amount by which eighty per cent of the estate tax, payable 10 to the United States under the provisions of the said fed- 11 eral revenue act of nineteen hundred twenty-six, shall ex- 12 ceed the aggregate amount of all estate, inheritance, legacy 13 and succession taxes actually paid to the several states of 14 the United States in respect to any property owned by 15 such decedent, or subject to such taxes as a part of or in 16 connection with his estate.

Sect. 2. The tax imposed by this act shall become due 2 and payable at the expiration of two years after the grant- 3 ing of letters testamentary or of administration, and ex- 4 ecutors, administrators, trustees, grantees, donees, benefi- 5 ciaries and surviving joint owners shall be and remain liable 6 for the tax until it is paid. If the tax is not paid when 7 due, interest at the rate of six per cent per annum shall be

8 charged and collected from the time the same became pay-
9 able. The attorney general may, however, for cause shown
10 extend the time for payment with or without interest for
11 such period as the circumstances require.

Sect. 3. This act shall become void and of no effect in
2 respect to the estates of person who die subsequent to the
3 effective date of the repeal of Title III of said federal
4 revenue act or of the provisions thereof providing for a
5 credit of the taxes paid to the several states of the United
6 States not exceeding eighty per cent of the tax imposed
7 by said Title III.

Sect. 4. It is hereby declared to be the intent and purpose
2 of this act to obtain for this state the benefit of the credit
3 allowed under the provisions of said Title III, section three
4 hundred one, sub-section (b) of the federal revenue act of
5 nineteen hundred twenty-six to the extent that this state
6 may be entitled by the provisions of this act, by imposing
7 additional taxes, and the same shall be liberally construed
8 to effect this purpose. The attorney general may make
9 such regulations relative to the assessment and the collec-
10 tion of the tax provided by this act, not inconsistent with
11 law, as may be necessary to carry out this intent.

Sect. 5. The provisions of this act shall also apply to all
2 estates not fully distributed and now in process of settle-
3 ment, where the date of death was subsequent to February
4 twenty-six, nineteen hundred twenty-six.

Sect. 6. All provisions of chapter sixty-nine of the re-

2 vised statutes, and amendments thereto, relating to succes-
3 sion taxes, are hereby made a part of this act wherever the
4 same are applicable.

Sect. 7. If any portion of this act is held to be uncon-
2 stitutional, such decision shall not invalidate the portions
3 unaffected thereby. In the event that any part of the fed-
4 eral revenue act or federal estate tax law, hereinbefore re-
5 ferred to, shall be declared to be in violation of the con-
6 stitution of the United States, such declaration shall not be
7 construed to affect the provisions of this act.

Emergency Clause. In view of the emergency cited in
2 the preamble, this act shall take effect when approved.