

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 616

H. P. 1471

House of Representatives, February 11, 1941.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Bubar of Weston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to the Taxation of Intangible Personal Property.

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

Sec. 1. Definitions. As used in this act, the term "intangible personal property" means and includes: money on hand, money at interest or on deposit; and the fair cash value of debts, whether or not secured by mortgage or pledge, due to the person, copartnership, association or corporation to be taxed, all to such an amount as the value of such money and such debts shall exceed the amount such person, copartnership, association or corporation is indebted to others, including in such indebtedness to others any debts secured by mortgage or pledge given by such person, copartnership, association or corporation; also federal, state and municipal bonds not exempt from taxation by the laws of the United States or of this state; also the stocks, bonds and securities of corporations; also annuities and sums of money receivable at stated periods, due or to become due; and every other claim and demand for money or other valuable thing.

Sec. 2. Tax. Intangible personal property, as herein defined, shall, except as hereinafter provided, be subject to an annual tax of 3 mills on the dollar of the just value thereof. All intangible personal property subject to taxation under this act shall be exempted from all further taxation in this state.

Sec. 3. Bank stocks and moneyed capital. The tax imposed by this act shall not apply to the stocks of national banks, nor to the stocks of bank and trust companies organized under the law of this state. Nor shall national banks, or bank and trust companies organized under the laws of this state be subject to taxation hereunder upon the moneys, credits and other intangible personal property held and used by them in the banking business. All such banks shall, however, be required to pay the tax imposed by this act upon any intangible personal property held by them for the account of persons otherwise subject to this act, not including therein stocks, bonds or other intangible personal property held by them as security for loans. The tax imposed by this act shall not apply to moneyed capital in the hands of individual citizens of this state coming into competition with the business of national banks; provided, however, that bonds, notes or other investments in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this act.

Sec. 4. How listed. All intangible personal property taxable under this act shall be listed upon a separate blank from that upon which other personal property is listed. The tax commissioner shall prepare suitable blanks for this purpose and shall supply them to the assessors, who shall issue them, on demand, to any person required to make a return under this act. But failure to secure a blank shall not serve in any case as a valid defense for failure to make the return required and pay the tax imposed by this act.

Sec. 5. Notice by assessor; list. Before making an assessment under this act the assessor shall give reasonable notice to the inhabitants of his district in the manner provided by law in the case of other returns of property for taxation. He shall require each individual, copartnership, association or corporation in his district to bring in before a date specified therein and not later than the 1st day of October a true list of all their intangible property taxable under this act.

Such list shall be open to the inspection of the assessor, the board of review, the supervisor of property assessment and his deputy or clerks, the tax commissioner and his secretary, deputy or clerks, but the details of the lists made by taxpayers shall be disclosed to no other person except by order of court, and any assessor or other person who shall disclose such details shall be punished by a fine of not less than \$100 and not more than \$500. Provided, however, that nothing in this section shall be construed to prevent the publication, by the tax commissioner, of statistics compiled from such

returns, arranged or classified in such manner as to prevent the disclosure of the details of any individual return.

Sec. 6. When to be received as true. The assessors shall receive as true except as to valuation, the list brought in by each person, unless on being thereto required by the assessor he refuses to answer on oath all reasonable and necessary inquiries as to the nature and amount of his property taxable under the provisions of this act.

Sec. 7. Failure to list; assessor to estimate. The assessor shall ascertain as nearly as possible the particulars of the personal estate subject to taxation under this act of any person who has not brought in such list, and shall estimate its just value according to his best information and belief. He shall also add thereto 50% of the estimated value of such property as a penalty; and such estimate, with the penalty of 50%, shall be entered in the valuation books, and shall be conclusive upon any person who has not reasonably brought in a list of his estate unless he can show reasonable excuse for the omission.

Sec. 8. Change of domicile. When a person liable to be taxed for intangible personal property included within the provisions of this act changes his domicile, the assessor of the district to which he removes shall assess him for an amount not less than that for which he was assessed in the district from which he removed, until he files the list required by section 5 of this act. Assessors shall furnish to other assessors, on demand, copies of the last assessment list, or the last assessment made against the intangible personal property of persons who may have changed their domicile within the state, from one taxing district to another. Whoever neglects to perform any duty imposed upon him by this section shall be guilty of a misdemeanor.

Sec. 9. Property to be listed in separate book or supplement; what shall be shown. Property taxable under this act shall not be included in the assessment roll which assessors are required to make under other provisions of law, but shall be listed in a separate book or assessment roll, the form of which shall be prescribed by the tax commissioner.

Sec. 10. Review and equalization. The assessment under this act shall be reviewed and equalized and the assessment roll corrected thereby, in the same manner and at the same time as is provided by law for the review and correction of the assessment roll of real and other personal property.

Sec. 11. Affidavit of assessor. The assessor shall annex to the assessment roll, when completed, his affidavit to be made and certified substantially in the following form, viz :

“State of Maine)
..... County) ss.

I,, assessor for the of in said county do solemnly swear that the annexed assessment roll contains, as I verily believe, a complete and perfect entry and list of all intangible personal property liable to assessment for the present year in said, and the name of each person therein owning or having in charge intangible personal property liable to taxation; that the valuation of such property as set down in said roll is as determined by me or as corrected by the board of review; that each and every valuation of the property made by me is the just and equitable value, as I verily believe.

Read to the affiant and subscribed and sworn to before me this day of, 19....
.....”

No assessor shall be allowed in any court or place, by his oath or testimony, to contradict or impeach any affidavit or certificate made or signed by him as such assessor.

Sec. 12. Delivery of roll. The assessor shall, on or before the 1st day of March of each year, deliver the assessment roll so completed, to the clerk of the town or city, who shall file and preserve it in his office.

Sec. 13. Intangible personal property tax roll. From the assessment roll the town clerk (and the clerk of each city where a different course is not directed by its charter) shall make out in a book to be called the intangible personal property tax roll, a complete alphabetical list of all persons in his town having any taxable intangible personal property, with the aggregate valuation of such property as shown on the assessment roll set opposite in a separate column.

Sec. 14. Calculation and statement of tax. On or before the 1st day of May of each year, the town clerk (and the clerk of each city where a different course is not directed by its charter) shall separately calculate and carry out opposite to each valuation in the tax roll the amount of tax thereon at the rate provided in this act.

Sec. 15. Warrant. As soon as the tax roll provided for in section 12 of this act is completed, the clerk of each town or city shall deliver to the treasurer of the respective town or city, provided said treasurer shall have duly executed and delivered to the tax commissioner a bond as provided by law, and shall have deposited with the said clerk the tax commissioner's

receipt for such bond, the intangible personal property tax roll, with a warrant attached thereto in substantially the following form :

“ss. A. B., treasurer of the town of, within the county of
Greeting :

In the name of the state of Maine, you are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, the taxes set down in such roll opposite to their respective names ; and in case any person or corporation upon whom any such sum or tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed ; and you are to pay to the treasurer of state, on or before the first day of August next, all moneys so collected ; and you are to return to me this warrant with said roll annexed, on or before the 1st day of September next.

Given under my hand this day of, 19....

..... Clerk.”