

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1969

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
AT THE
SPECIAL SESSIONS

October 2-3, 1967
January 9-26, 1968
September 18, 1968

Chapter 536

AN ACT Relating to Referendum Under Maine Housing Authorities Act.

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

Sec. 1. R. S., T. 30, § 4701, amended. The 5th sentence of the first paragraph of section 4701 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 80 of the public laws of 1967, is further amended to read as follows:

No authority shall enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government for any project unless or until the governing body of its city, after referendum duly held thereon, and a majority of the voters voting, having voted in favor thereof, or any regular, special or other duly constituted meeting of its town, as the case may be, shall, by resolution duly adopted, have approved its entering into such contract, provided that **no such referendum shall be required, unless initiated as provided, where the authority is of a city whose population is in excess of 60,000. In any city whose population is in excess of 60,000 the voters may require that such a referendum be held by submitting a written petition therefor to the governing body of the city signed by a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election. The petition shall be presented within 30 calendar days after the initial approval by the governing body of the city of the entering into the contract. The governing body shall authorize and make the necessary provisions for the holding of said referendum, including phrasing of the referendum question, on a date not later than 60 calendar days from the date of receipt of the petition by the governing body. nothing** Nothing contained in this ~~or the succeeding paragraphs of this~~ section shall require the holding of a referendum to authorize the housing authority of any city or town to enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government for the rehabilitation, alteration or repairs of any housing project already existing and in operation on the date of such contract.

Sec. 2. R. S., T. 30, § 4701, amended. The last 2 paragraphs of section 4701 of Title 30 of the Revised Statutes are repealed.

Effective April 26, 1968

Chapter 537

AN ACT Relating to Tax on Real Estate Transfers.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after the adjournment of the Legislature unless enacted as emergencies; and

Whereas, the 103rd Legislature in regular session by chapter 154 of the private and special laws of 1967 provided for a tax on real estate transfers; and

Whereas, members of the bar of this State differ as to the application and interpretation of this law and its effect upon the certification of good and marketable title by them; and

Whereas, the provisions of this law are not clear in their effect upon the validity of the recordation of deeds filed without compliance with its provisions; and

Whereas, uniform provisions and interpretations are vitally necessary to the uninterrupted transfer of property in this State and to the integrity of title to real property conveyed in this State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require 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:

Sec. 1. R. S., T. 36, c. 712, additional. Title 36 of the Revised Statutes is amended by adding a new chapter 712, to read as follows:

CHAPTER 712
REAL ESTATE TRANSFERS

§ 4651. Rate of tax

There is imposed, on each deed, instrument or writing by which any lands, tenements or other realty sold shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest on property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, exceeds \$100, a tax at the rate of 55¢ for each \$500 or fractional part thereof.

§ 4652. Tax stamps; rules

The State Tax Assessor shall prepare tax stamps of varying denominations which will become available for purchase at their denominated value. The State Tax Assessor is authorized and empowered to carry this chapter into effect and, in pursuance thereof, to make and enforce such reasonable rules and regulations consistent with this chapter as he may deem necessary, including the appointment of the several registers of deeds or such other agents as he may designate as sales agents and providing for compensation of such agents, which compensation shall not exceed a 10% commission of the legal price of the stamps sold and when such stamps are sold by the registers of deeds the said 10% shall be for the use of the counties, and the said sums shall be turned over by the registers of deeds to the county treasurers monthly.

§ 4653. Stamps affixed; cancellation

The stamps shall be affixed either before recording or immediately after the deed is recorded and returned to the grantee or his attorney. Failure by either the grantor or grantee to affix the stamps shall subject either or both to all

penalties of \$25, to be recovered in a civil action in the name of the State of Maine.

When such stamps are affixed to the instrument of conveyance they shall be cancelled by writing in ink or typing on the face thereof the date and the initials of the person affixing said stamp.

§ 4654. Exemptions

1. Exemptions. The following deeds shall be exempt from the tax imposed by this chapter:

A. Deeds to property acquired by or from the United States of America, the State of Maine or any of their instrumentalities, agencies or subdivisions;

B. Mortgage deeds and discharges of mortgage deeds;

C. Deeds of partition;

D. Deeds made pursuant to mergers of corporations;

E. Deeds made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.

Sec. 2. R. S., T. 36, §§ 4641-4644, repealed. Sections 4641 to 4644 of Title 36 of the Revised Statutes, as enacted by Section H of chapter 154 of the private and special laws of 1967, are repealed.

Sec. 3. Validation. All deeds and other instruments recorded under the Revised Statutes, Title 36, sections 4641 to 4644 between January 1, 1968 and March 1, 1968 are validated.

Sec. 4. Appropriation. There is appropriated from the General Fund the sum of \$19,489 for the fiscal year ending June 30, 1968 and the sum of \$14,394 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

	1967-68	1968-69
FINANCE AND ADMINISTRATION, DEPARTMENT OF		
Bureau of Taxation		
Personal Services	(1) \$ 2,289	(1) \$ 5,954
All Other	5,200	8,440
Capital Expenditures	12,000	—
	\$19,489	\$14,394

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect March 1, 1968.