

MAINE STATE LEGISLATURE

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CHAPTER 12.

The Board of State Assessors and the Assessment of Excise Taxes.

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Board of State Assessors.

Sec. 1. Board of state assessors, appointment and tenure; governor to designate chairman; vacancies. R. S. c. 9, § 1. A board of state assessors, consisting of three members, not more than two of whom shall be taken from the same political party, shall be appointed by the governor with the advice and consent of the council, for the term of six years, excepting in case of appointments made to fill vacancies, and the terms of office of said members shall be so arranged that an appointment of one member shall take place biennially. The governor shall designate the member who is to serve as chairman of the board, and he shall serve in such capacity until the expiration of his term of office or until a vacancy occurs. In case of the death, resignation, refusal, or inability to serve of any one or more of said board, the governor, with the advice and consent of the council, shall, as soon as may be, fill such vacancy by appointment, and the assessor so appointed shall hold said office until the expiration of the term in which such vacancy occurs.

See Const. of Me. Art. ix, § 1; 105 Me. 104.

Sec. 2. Qualification; to be in continuous session. R. S. c. 9, § 2. 1929, c. 294, § 1. The members of such board shall be persons known to possess knowledge of and training in the subject of taxation and tax laws and skilled in matters pertaining thereto. The chairman of said board shall devote his entire time to the duties of his office; the associate members of such board shall devote to the duties of their office such time as may be required of them by the chairman. The board shall have an office in the state house which shall be open for the transaction of business every secular day, and may hold sessions at any place other than the capitol when deemed necessary in the performance of their duties.

Sec. 3. Powers. R. S. c. 9, § 3. The board of state assessors may summon before them and examine on oath any town assessor or other officer, or any offi-

cer of any corporation, or any individual whose testimony they shall deem necessary in the proper discharge of their duties, and shall require such witnesses to bring with them for examination any books, records, papers, or documents, belonging to them or in their custody or control, relating to any matter which the board may have authority to investigate or determine. Each of said members and their clerk shall have power to administer all oaths required by this chapter. In case of failure on the part of any person or persons to comply with any order of the board, or on refusal of any witness to testify on any matter regarding which he may lawfully be interrogated before the board, the superior court or any justice thereof, may, on application of the attorney-general, made at the written request of the board, compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirement of a subpoena issued from such court or a refusal to testify therein. Officers who serve summonses or subpoenas, and witnesses attending when summoned, shall receive like compensation as officers and witnesses in the superior court.

Sec. 4. To equalize state and county taxes. R. S. c. 9, § 4. The board of state assessors shall constitute a state board of equalization, whose duty it shall be to equalize the state and county taxes among the several towns and unorganized townships in the manner hereinafter provided, and to apportion the state taxes among the several towns of the state. They shall exercise and perform such other powers and duties as may be required or imposed upon them by law.

Sec. 5. Supervision over administration of assessment and taxation laws and over local assessors; notice of meetings; town assessors to attend meetings and answer questions; penalty. R. S. c. 9, § 5. The board shall have and exercise general supervision over the administration of the assessment and taxation laws of the state, and over local assessors and all other assessing officers in the performance of their duties, to the end that all property shall be assessed at the just value thereof in compliance with the laws of the state. One or more members of the board shall visit officially every county in the state at least once each year, and at other times as may be necessary in the performance of their duties, and shall there hold sessions at such times and places as they may deem necessary to inquire into the methods of assessment and taxation and to confer with and give necessary advice and instruction to local assessors as to their duties under the laws of the state, and to secure information to enable them to perform their duties as herein provided. They shall give such public notice of said meetings as they deem proper, and shall give to each board of town assessors in the county in which meetings are to be held a notice by mail of the time and place of such meetings. Each board of town assessors, or some member or members of each of them, shall attend said meeting, having with them the then last lists or books giving the valuation of all taxable property in their respective towns. They shall answer, under oath if required, such questions pertaining to the valuation of the property in their towns as the board of state assessors may put to them. Said meeting shall be under the general direction of the board of state assessors and governed by such rules of order as said board shall make and announce. Any town whose assessors shall fail to attend said meetings, without excuse satisfactory to the board of state assessors, shall be liable to pay the reasonable expenses of the board or of any person appointed by it, incurred in making examination of the lists or books of said town or in getting other evidence pertaining to the valuation of the property in such town. Such expenses shall be reported to the legislature by the board of state assessors and shall be added to the amount of the next state tax levied against such town, or may be recovered in an action of debt against such town in the name of the treasurer of

state. Towns shall pay to said town assessors a reasonable compensation and actual expenses incurred in complying with the requirements of this chapter.

Duties as to taxes in Maine Forestry District, c. 11, § 70.

Sec. 6. If assessors fail to furnish information, board may report such valuation as it may deem just. R. S. c. 9, § 6. If the assessors of any town, or some one of them shall fail to appear before said board as hereinbefore provided or to transmit to them the lists hereinbefore named within ten days after the mailing or publication of notice or notices to them, to so appear or transmit said lists, the said board may in its discretion report the valuation of the estates and property and lists of polls liable to taxation in the town so in default, as it shall deem just and equitable.

Sec. 7. Assessors of towns to annually under oath make return to state assessors. R. S. c. 9, § 7. The assessors of each town shall, on or before the first day of August, annually, and at such other times as the board may require, make and return on blank lists which shall be seasonably furnished by the board of state assessors for that purpose, all such information as to the assessment of property and collection of taxes as may be needed in the work of the board, including annually aggregates of polls, the land value, exclusive of buildings and all other improvements, and the valuation of each and every class of property assessed in their respective towns, with the total valuation and percentage of taxation, and itemized lists of property upon which the town has voted to affix a value for taxation purposes, and before transmitting the same to the board of state assessors for that purpose, all such information as to the assessment of annual returns shall be printed on said lists as follows: "We, the assessors of the of , do swear (affirm) that the foregoing statement contains true aggregates of the valuation of each class of property assessed in said town of , for the year , and that we have followed all the requirements of law in valuing, listing, and returning the same. So help me God, (this we do under the pains and penalty of perjury)."

See c. 5, § 31.

Sec. 8. To equalize assessment list of each town. R. S. c. 9, § 8. The board of state assessors shall equalize and adjust the assessment list of each town, by adding to or deducting from it such amount as will make it equal to its just value.

Sec. 9. Forest commissioner to furnish board with lists of all wild lands; county commissioners to return value; value, when soil and growth are owned by different persons; owners to appear before board and render lists; exceptions. R. S. c. 9, § 9. The forest commissioner shall prepare and deliver to the board of state assessors, full and accurate lists of all townships or parts of townships or lots or parcels of wild lands in this state sold and not included in the tax lists, whether conveyed or not, and shall lay before said board all information in his possession touching the value and description of wild lands at their request; also a statement of all lands on which timber has been sold or a permit to cut timber has been granted by lease or otherwise. All other state officers, when requested shall, in like manner, lay all information in their possession touching said valuation before said board. On or before the first day of August, biennially after the year eighteen hundred and ninety-four, the county commissioners of any county, in which are any wild lands as heretofore described in this section, shall return to said board in books prepared for that purpose, the fair value of each and every township, lot, or parcel of wild land. In fixing the valuation of unorganized townships whenever practicable, the lands and other property therein of any owners may be valued and assessed separately. When the soil of town-

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ships or tracts taxed by the state as wild land is not owned by the person or persons who own the growth or part of the growth thereon, the board of state assessors shall value the soil and such growth separately for purposes of taxation. All owners of wild lands or of rights of timber and grass on public lots shall either in person or by authorized agent appear before the board of state assessors at times and places of holding sessions in the counties where said lands are located, or at any regular meeting of the board held elsewhere on or before the first day of August of each year preceding the regular legislative session of this state; and render unto them a list of all wild lands thus owned, either in common or severalty, giving the township, number, range, and county where located, part owned, and an estimate of its fair value; and answer such questions or interrogatories as said board may deem necessary in order to obtain a full knowledge of the just value of said lands. Owners of less than five hundred acres of such lands in any township shall be exempted from the provisions of this section. Any owner of wild lands herein named who, after notice in writing so to do, shall fail to furnish all the information hereinbefore required within sixty days from the time he receives such notice, shall be liable to pay the reasonable expenses of the board of state assessors or of any person or persons, not exceeding two, appointed by said board, incurred in making examination of said wild lands. The amount of said expenses shall be determined by said board, and an action of debt to recover the same shall lie in the name of the treasurer of state.

*121 Me. 306.

Sec. 10. To investigate all cases of concealment, and of under valuation; direct proceedings, actions, and prosecutions; order reassessment; appeal. R. S. c. 9, § 10. 1917, c. 24. The board shall, at its own instance or on complaint made to it, diligently investigate all cases of concealment of property from taxation, of under valuation, and of failure to assess property liable to taxation. They shall bring to the attention of town assessors all such cases in their respective towns. They shall direct proceedings, actions, and prosecutions to be instituted to enforce all laws relating to the assessment and taxation of property and to the liability of individuals, public officers, and officers and agents of corporations for failure or negligence to comply with the provisions of the laws governing the assessment or taxation of property, and the attorney-general and county attorneys, upon the written request of the board, shall institute such legal proceedings as may be necessary to carry out the provisions of this chapter. The board shall have power to order the reassessment of any or all real and personal property, or either, in any town where in the judgment of said board such reassessment is advisable or necessary to the end that all classes of property in such town shall be assessed in compliance with the law. Neglect or failure to comply with such orders on the part of any assessor or other official shall be deemed wilful neglect of duty and he shall be subject to the penalties provided by law in such cases. Provided a satisfactory reassessment is not made by the local assessors, then the board of state assessors may employ assistance, from within or without the town where such reassessment is to be made, and said town shall bear all necessary expense incurred. Any person aggrieved because of such reassessment shall have the same right of petition and appeal as from the original assessment.

Sec. 11. Owners and agents of lands in unorganized townships or wild lands to make returns to state assessors of yearly cut. 1919, c. 77, § 1. The owners or agents of all lands in unorganized townships and organized plantations, classed as wild lands, shall return to the board of state assessors, on

blanks furnished upon application to said board, the amount in board feet of all logs and other timber cut, or if it has been cut into four-foot lengths, or otherwise, the number of cords of each kind of wood cut from their land the year preceding July first of the year in which said return is made.

Sec. 12. State assessors, on failure, may obtain information and assess expense against lands. 1919, c. 77, § 2. Should any owner or agent whose duty it is to make such return, neglect or refuse to comply with the requirements of the preceding section, the board of state assessors may secure the information as to the amount of such cut by such methods as they shall deem expedient or advisable, and the expense of securing such information shall be added to the state tax next assessed against the land of such owner or agent, and collected in the same manner as all wild land taxes are collected.

Sec. 13. To file with the secretary of state biennially, a state valuation. R. S. c. 9, § 11. A statement of the amount of the assessed valuation for each town, township, and lot or parcel of land, in any unorganized townships, and lot or parcel of land not included in any township, after adjustment as provided by section eight, the aggregate amount for each county, and for the entire state as fixed by the board of equalization, shall be certified by said board and deposited in the office of the secretary of state as soon as completed, and before the first day of December preceding the regular sessions of the legislature. The valuation thus determined shall be the basis for the computation and apportionment of the state and county taxes, until the next biennial assessment and equalization.

Sec. 14. State assessors may make abatement of taxes. R. S. c. 9, § 12. The board of state assessors may, within one year from the assessment, if justice requires, make an abatement of any state, county, or forestry district taxes. A list of such abatements, and the amount of the same, shall be transmitted by the board of state assessors to the treasurer of state, and such amount or amounts shall be deducted from such taxes.

Sec. 15. May abate tax when property has been doubly taxed. R. S. c. 9, § 13. Whenever it appears to the board of state assessors that any parcel of property in the state has been doubly taxed in any year, and it appears by the records in the office of the treasurer of state that a moiety of such tax has been paid, the board may abate the balance remaining unpaid, and said tax or taxes shall be canceled upon the treasurer's books.

Sec. 16. Assessors to examine method of taxation in other states and incorporate result in report. R. S. c. 9, § 14. The board of state assessors shall investigate and examine into the system and method of taxation of other states, and also make careful and constant inquiry into the practical operation and effect of the laws of this state, in comparison with the laws of other states, with the view of ascertaining wherein the tax laws of this state are defective, inefficient, inoperative, or inequitable. They shall biennially incorporate the result of their investigation and inquiry in their report made prior to each legislative session, and recommend therein such modifications, changes, and additions in the tax laws of this state as may seem advisable or necessary to secure a more just and equitable system of taxation.

Sec. 17. Assessors to be provided with rooms; may employ assistants. R. S. c. 9, § 15. 1919, c. 195. 1921, c. 152. They shall be provided with suitable rooms in the state house and may employ such assistance in addition to a chief clerk as they shall deem necessary within the appropriation for that purpose.

Sec. 18. Convention of municipal assessors authorized. 1919, c. 202. 1929, c. 294, § 3. The board of state assessors is authorized to hold an annual convention of city and town assessors in the city of Augusta at such time as said

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board of state assessors may designate. Said board may apply a sum not to exceed three hundred dollars from their departmental appropriation to defray the expenses of said convention.

Sec. 19. Assessors to include in inventory sheep, swine, neat cattle, and fowl; returns to state assessors. R. S. c. 9, § 16. 1917, c. 285, § 2. 1919, c. 199. 1923, c. 182. 1929, c. 23. Assessors of taxes shall include in the inventory, required to be taken on April first, the number and value of all neat cattle eighteen months old and under, all sheep to the number of thirty-five, swine to the number of ten, and domestic fowl to the number of fifty, stated separately. Said property shall not be included in the tax list.

Sec. 20. To report annually to governor and council. R. S. c. 9, § 17. The board of state assessors shall annually, before the first day of July, make a report to the governor and council of their proceedings and shall include therein a tabular statement of all statistics derived from returns from local assessors, with schedules of all corporations on which state taxes were assessed during the year, and such other statistics and information concerning revenue and taxation as may be deemed of public interest; and for the years in which they shall equalize the valuation of the state, their report shall include tabular statements of the state valuation by towns.

Taxation of Corporate Franchises.

Sec. 21. Taxation and rate. R. S. c. 9, § 18. Every corporation incorporated under the laws of the state, except such as are excepted by section thirty-eight of chapter fifty-six, shall pay an annual franchise tax of five dollars, provided the authorized capital of said corporation does not exceed fifty thousand dollars; of ten dollars, provided said authorized capital exceeds fifty thousand dollars, and does not exceed two hundred thousand dollars; of fifty dollars, provided said authorized capital exceeds two hundred thousand dollars, and does not exceed five hundred thousand dollars; of seventy-five dollars, provided said authorized capital exceeds five hundred thousand dollars, and does not exceed one million dollars; and the further sum of fifty dollars a year for each one million dollars, or any part thereof, in excess of one million dollars.

108 Me. 275, 297.

Sec. 22. Taxes, how assessed and when due and payable. R. S. c. 9, § 19. The board of state assessors shall, on or before the first day of July, annually, assess the tax provided by the preceding section upon the authorized capital stock of each of said corporations and shall certify the same to the secretary of state, who shall thereupon notify each of said corporations of the amount of said tax assessed to it, and such tax shall become due and payable from said corporation into the state treasury on the first day of September thereafter.

108 Me. 275.

Sec. 23. Tax to be a debt due from corporation. R. S. c. 9, § 20. Such tax shall be a debt due from such corporation to the state, for which an action of debt may be maintained after the same shall have been in arrears for the period of one month; such tax shall also be a preferred debt in case of insolvency under the laws of this state, or in any process of liquidation in its courts.

108 Me. 275.

Sec. 24. In case of neglect or refusal to pay, charter liable to forfeiture. R. S. c. 9, § 21. If any corporation liable to taxation under section twenty-one shall for one year neglect or refuse to pay to the state any tax or penalty assessed against it hereunder, its charter shall be liable to forfeiture as hereinafter provided.

Sec. 25. Proceedings when any company shall have been in arrears six months. R. S. c. 9, § 22. The treasurer of state, whenever any tax due under the four preceding sections from any company shall have remained in arrears for a period of six months after the same shall have become payable, shall report the same to the attorney-general, who shall forthwith apply to the supreme judicial court or the superior court in equity in the name of the state, for the forfeiture of the charter of such delinquent corporation, and said court shall order such notice to all parties interested as it may deem proper and shall have jurisdiction in said cause to appoint receivers, issue injunctions, and pass interlocutory decrees and orders according to the usual course of proceedings in equity, and to make such final orders and decrees as the nature of the case may require.

Sec. 26. Annual list to be prepared and published as herein provided. R. S. c. 9, § 23. 1925, c. 4. The secretary of state shall annually prepare a list of all corporations that have failed to pay their annual franchise tax for the preceding year, giving the corporate name, the name of the treasurer last filed in the office of the secretary of state, and the amount of the tax due from each corporation, except those from which by reason of having been duly excused as provided by statute, or dissolved by decree of court, no franchise tax is due for such year, which list shall be published three times for three consecutive weeks in the month of August in four places within the state, namely, Lewiston, Bangor, Portland, and Augusta, in such newspapers in each place as the secretary of state may select. If any corporation so advertised shall fail to pay all franchise taxes due the state for such year, and the expenses of advertising the same, on or before the first day of December following, its charter shall be suspended, and such corporation shall have no right to use the same.

Sec. 27. Charter may be revived; data as to suspension of charter to be placed on record and certified. R. S. c. 9, § 24. Any charter suspended under the preceding section may be revived by payment of all franchise taxes and expenses of advertising as aforesaid due from the corporation at the time of such payment. Any corporation whose charter shall have become suspended as aforesaid shall continue liable for its yearly franchise tax, but while its charter is so suspended, no notice relating to said franchise tax need be sent to the corporation by any state officer. The data covering the suspension of said charter, to wit: the fact of publication and the dates thereof, and the suspension of said charter by reason of such publication and the failure to pay said overdue franchise tax as herein provided shall be so entered upon the corporation records of the state and be certified by the secretary of state as evidence of the suspension of the charter of such corporation.

Taxation of Railroad Companies.

Sec. 28. Annual returns of railroad companies; contents. R. S. c. 9, § 25. Every railroad company, incorporated under the laws of the state, or doing business therein, shall annually, between the first and fifteenth days of April, return to the secretary of state under oath of its treasurer, the amount of the capital stock of the corporation, the number and par value of the shares, and a complete list of its shareholders, with their places of residence, and the number of shares belonging to each on said first day of April. The returns shall also contain a statement of the whole length of its line, the length of its line within the state, and the assessed value in each town of its stations and other property taxed by municipalities.

66 Me. 491; *73 Me. 530; *74 Me. 382; 123 Me. 52.

Sec. 29. Corporations or persons operating railroads to pay annual excise tax; state to pay cities and towns one per cent on stock held therein. R. S. c. 9, § 26. Every corporation, person, or association, operating any railroad in the state under lease or otherwise, shall pay to the treasurer of state, for the use of the state, an annual excise tax, for the privilege of exercising its franchises and the franchises of its leased roads in the state, which, with the tax provided for in section four of chapter thirteen, is in place of all taxes upon such railroad, its property and stock. There shall be apportioned and paid by the state from the taxes received under this and the six following sections, to the several cities and towns in which, on the first day of April in each year, is held railroad stock of either such operating or operated roads exempted from other taxation, an amount equal to one per cent on the value of such stock on that day, as determined by the board of state assessors; provided, however, that the total amount thus apportioned on account of any railroad shall not exceed the sum received by the state as tax on account of such railroad; and provided further, that there shall not be apportioned on account of any railroad and its several parts, if any, operated by lease or otherwise, a greater part of the whole tax received from such railroad and its several parts, than the proportion which the amount of capital stock of such railroad and its several parts owned in this state bears to the whole amount of the capital stock of said railroad and its several parts.

66 Me. 492, 514; *74 Me. 382; 78 Me. 93; 97 Me. 269; *103 Me. 428; 123 Me. 48;
*125 Me. 350.

Sec. 30. Amount of tax on railroads, how ascertained. R. S. c. 9, § 27. 1917, c. 42. 1927, c. 27. The amount of such annual excise tax shall be ascertained as follows:—the amount of the gross transportation receipts as returned to the public utilities commission for the year ended on the thirty-first day of December preceding the levying of such tax shall be compared with the net railway operating income for that year as returned to the public utilities commission; when the net railway operating income does not exceed ten per cent of the gross transportation receipts the tax shall be an amount equal to three and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds ten per cent of the gross transportation receipts but does not exceed fifteen per cent, the tax shall be an amount equal to four per cent of the gross transportation receipts; when the net railway operating income exceeds fifteen per cent of the gross transportation receipts but does not exceed twenty per cent, the tax shall be an amount equal to four and one-half per cent of such gross transportation receipts; when the net railway operating income exceeds twenty per cent of the gross transportation receipts but does not exceed twenty-five per cent, the tax shall be an amount equal to five per cent of such gross transportation receipts; when the net railway operating income exceeds twenty-five per cent of the gross transportation receipts, the tax shall be an amount equal to five and one-half per cent of such gross transportation receipts; provided, however, that in the case of railroads operating not over fifty miles of road, the tax shall not exceed two per cent of the gross transportation receipts; and provided further that when the net railway operating income of any narrow gauge railroad located wholly in this state exceeds five per cent but does not exceed ten per cent of its gross transportation receipts, the tax on such railroad shall be one-half of one per cent of its gross transportation receipts; and when the net railway operating income of such railroad exceeds ten per cent of its gross transportation receipts, the tax shall be one per cent of its gross transportation receipts; and when the net railway operating income of such a railroad does not exceed five per cent of its gross transportation receipts, no excise tax shall be assessed upon it. When

a railroad lies partly within and partly without the state, or is operated as a part of a line or system extending beyond the state, the tax shall be equal to the same proportion of the gross transportation receipts in the state as herein provided, and its amount shall be determined as follows:

The gross transportation receipts of such railroad, line or system, as the case may be, over its whole extent, within and without the state, shall be divided by the total number of miles operated to obtain the average gross transportation receipts per mile, and the gross transportation receipts in the state shall be taken to be the average gross transportation receipts per mile multiplied by the number of miles operated within the state, and the net railway operating income within the state shall be similarly determined.

The term "net railway operating income" means the railway operating revenues less the railway operating expenses, tax accruals and uncollectable railway revenues, including in the computation thereof debits and credits arising from equipment rents and joint facility rents. The public utilities commission, after notice and hearing, may determine the accuracy of any returns required of any railroad, and if found inaccurate, may order proper corrections to be made therein.

142 U. S. 217; 97 Me. 269; *102 Me. 202; *123 Me. 48; *125 Me. 350.

The method of computing the tax was changed by the adoption of the present law at the referendum in September, 1928. The decisions above referred to were under the former statute.

Sec. 31. Tax, how fixed; notice to companies. R. S. c. 9, § 28. The board of state assessors, on or before the first day of each April, shall determine the amount of such tax, and report the same to the treasurer of state, who shall forthwith give notice thereof to the corporation, person, or association upon which the tax is levied.

Sec. 32. Time payable. R. S. c. 9, § 29. 1921, c. 71, § 1. 1925, c. 205. Said tax shall be deemed an asset and credit of the state on the fifteenth day of June next after the levy is made and shall be payable one-third on said fifteenth day of June, one-third on the fifteenth day of September, and one-third on the fifteenth day of December next following.

Sec. 33. Aggrieved parties may apply for abatement. R. S. c. 9, § 30. Any corporation, person, or association aggrieved by the action of the board of state assessors in determining the tax, through error or mistake in calculating the same, may apply for abatement of any such excessive tax within the year for which such tax is assessed, and if, upon rehearing and reexamination, the tax appears to be excessive through such error or mistake, the board of state assessors may thereupon abate such excess, and the amount so abated shall be deducted from any tax due and unpaid, upon the railroad upon which the excessive tax was assessed; or, if there is no such unpaid tax, the governor and council shall draw a warrant for the abatement, to be paid from any money in the treasury not otherwise appropriated.

Sec. 34. Further returns may be required; public utilities commission to have access to books of railroad companies; penalty for refusing to make returns or for making false ones. R. S. c. 9, § 31. If the returns required by law, in relation to railroads, are found insufficient to furnish the basis upon which the tax is to be levied, the public utilities commission shall require such additional facts in the returns as may be found necessary; and, until such returns are so required, or, in default of such returns when required, the board of state assessors shall act upon the best information that they may obtain. The public utilities commission shall have access to the books of railroad companies, to ascertain if the required returns are correctly made; and any railroad corporation,

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association, or person operating any railroad in the state, which refuses or neglects to make returns required by law or to exhibit to the public utilities commission its books for the purposes aforesaid, or makes returns which the president, clerk, treasurer, or other person certifying to such returns knows to be false, forfeits not less than one thousand dollars, nor more than ten thousand dollars, to be recovered by indictment, or by an action of debt in any county into which the railroad operated extends.

Sec. 35. Taxation of street railroad corporations. R. S. c. 9, § 32. Street railroad corporations and associations are subject to the seven preceding sections and to section four of chapter thirteen, except that the annual excise tax shall be ascertained as follows: when the gross average receipts per mile do not exceed one thousand dollars the tax shall be equal to one-fourth of one per cent on the gross transportation receipts; and for each thousand dollars additional gross receipts per mile, or fractional part thereof, the rate shall be increased one-fourth of one per cent, provided that the rate shall in no case exceed four per cent.

Sec. 36. Taxation of owners of parlor cars. R. S. c. 9, § 33. 1917, c. 210. 1921, c. 71, § 2. Every corporation or person owning or operating parlor or other cars for which extra compensation is charged for riding therein over any of the railroads of the state shall annually, on the fifteenth day of June, pay to the treasurer of state for the use of the state an annual excise tax for the privilege of exercising its franchise in the state, equal to nine per cent of its or his gross receipts from business done wholly in the state, for the year ending May first next preceding.

See § 75.

Sec. 37. Returns to state assessors; tax in place of local taxation. R. S. c. 9, § 34. 1921, c. 71, § 3. Every such corporation or person shall by its properly authorized agent or officer annually on or before the fifteenth day of May, make a return under oath to the board of state assessors, stating the amount of such gross receipts; whereupon the board of state assessors shall on or before the first day of June assess the tax herein provided and forthwith certify the same to the treasurer of state, who shall thereupon notify said corporations or persons; said tax shall be paid into the state treasury on or before the fifteenth day of June following, and, is in place of all local taxation upon the cars and equipment of said corporations or persons used in carrying on business in the state.

See § 75.

Sec. 38. Penalty for neglecting to make return. R. S. c. 9, § 35. Any corporation or person neglecting to make returns according to the preceding section forfeits twenty-five dollars for every day's neglect, to be recovered by action of debt in the name of the state.

Taxation of Telephone and Telegraph Companies.

Sec. 39. Returns of corporations or persons operating telephone or telegraph lines. R. S. c. 9, § 36. Every corporation, association, or person operating in whole or in part a telephone or telegraph line for toll or other compensation within the state shall annually, between the first and fifteenth days of April, return to the secretary of state under oath of its treasurer, if a corporation, the amount of the capital stock of the corporation, the number and par value of the shares, and a complete list of its shareholders resident within the state, with their places of residence, and the number of shares belonging to each on said first day of April; if a person or association, the owner or owners or one of them shall annually make a return under oath to the secretary of state, between the first

and fifteenth days of April, of the names and residences of the owner or owners and the relative interest each owner has in any such association on the first day of April. The returns shall also contain a statement of the assessed value in each town of the real estate of such corporation, association, or person, used solely for the conduct of a telephone or telegraph business, and taxed by any municipality, and the gross receipts of such corporation, association, or person collected within this state on account of its telephone or telegraph business during the preceding year ending April first.

See § 75; 103 Me. 242.

Sec. 40. State taxation of telephone and telegraph companies; apportionment to cities and towns. R. S. c. 9, § 37. Every corporation, association, or person operating in whole or in part a telephone or telegraph line within the state for tolls or other compensation shall pay to the treasurer of state for the use of the state an annual excise tax for the privilege of conducting such business within the state which tax, with the tax provided for in section forty-five, is in place of all taxes upon the property of such corporation, association, or person employed in such business, and of all taxes upon the shares of the capital stock of any such corporation.

There shall be apportioned and paid by the state from the taxes collected under this section to the several cities and towns in which on the first day of April in each year is held stock of any such corporation, or in which resides the owner or owners of an interest in any telegraph or telephone lines operated by any association or person not a corporation and taxed under this section, an amount equal to one per cent on the value of such stock on that day as determined by the board of state assessors, if a corporation; and if not a corporation, such proportion of the amount of such excise tax paid into the state treasury by the association, person, or persons operating such line as such interest owned by a resident in any such municipality bears to the whole ownership; provided, however, that the total thus apportioned on account of such stock, if a corporation, shall not exceed the sum received by the state as a tax on account of such corporation; and provided further, that there shall not be apportioned on account of any such corporation a greater part of the whole tax received by the state from such corporation than the proportion which the amount of capital stock of such corporation owned in this state bears to the whole amount of the capital stock of such corporation.

See § 75; *73 Me. 525; 103 Me. 242.

Sec. 41. Computation of tax. R. S. c. 9, § 38. The amount of such annual excise tax shall be ascertained as follows: when the gross receipts of such corporation, association, or person collected within this state on account of its telephone or telegraph business during the year for which the tax is assessed on such corporation, association or person exceed one thousand dollars and do not exceed five thousand dollars, the tax shall be one and one-fourth per cent of such gross receipts; when such gross receipts exceed five thousand dollars and do not exceed ten thousand dollars, the tax shall be one and one-half per cent of such gross receipts; when such gross receipts exceed ten thousand dollars and do not exceed twenty thousand dollars, the tax shall be one and three-fourths per cent of such gross receipts; when such gross receipts exceed twenty thousand dollars and do not exceed forty thousand dollars, the tax shall be two per cent of such gross receipts; and so on, increasing the rate of tax one-quarter of one per cent for each additional twenty thousand dollars or fractional part thereof, of such gross receipts, provided that the rate shall in no event exceed six per cent of such gross receipts.

103 Me. 242.

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Sec. 42. Tax to be determined and reported to treasurer of state. R. S. c. 9, § 39. The board of state assessors on or before the first day of May annually shall determine the amount of such tax and report the same to the treasurer of state, who shall forthwith give notice thereof to the corporation, association, or person upon which the tax is levied.

103 Me. 242.

Sec. 43. Payment of tax; lien. R. S. c. 9, § 40. 1921, c. 71, § 4. Said tax shall be paid to the treasurer on or before the fifteenth day of June annually. Said tax shall be a lien on the property of such corporation, and on its franchise, and upon the property used in operating a telephone or telegraph business by any such association or person, and takes precedence over all other liens.

See § 75; 103 Me. 242.

Sec. 44. Books of corporations to be open to assessors; penalty for refusing to make returns. R. S. c. 9, § 41. The board of state assessors, or their duly authorized agent, shall have access to the books of any such corporation, association, or person, to ascertain if the required returns are correctly made; and any corporation, association, or person operating any telegraph or telephone line in this state and refusing or neglecting to make the returns required by law or to exhibit to the board of state assessors, or to their duly authorized agent therefor, its or his books for the purpose aforesaid, or making returns which the president, clerk, treasurer, or other person certifying such returns knows to be false, shall forfeit not less than one thousand dollars, nor more than ten thousand dollars, to be recovered by indictment or by action of debt in any county into which the said telegraph or telephone lines extend.

103 Me. 242.

Sec. 45. Tax to be in lieu of all taxes. R. S. c. 9, § 42. The excise tax collected under the six preceding sections shall be in lieu of all taxes upon any corporation therein designated, upon its shares of capital stock, and its property; provided, however, that the land and buildings thereon owned by such corporation, association, or person shall be taxed in the municipality in which the same is situated. The assessment of taxes on such land and buildings shall be legal, whether assessed as resident or non-resident property.

103 Me. 242, 428.

Taxation of Express Companies.

Sec. 46. Companies and persons doing express business to apply annually for license and to pay tax. R. S. c. 9, § 43. Every corporation, company, or person doing express business on any railroad, steamboat, or vessel in the state, shall, annually, before the first day of May, apply to the treasurer of state for a license authorizing the carrying on of said business and any such corporation, company, or person, neglecting to make application as aforesaid, forfeits fifty dollars, to be recovered by action of debt in the name of the state; every such corporation, company or person shall annually pay to the treasurer of state four per cent of the gross receipts of said business for the year ending on the first day of April preceding. Said four per cent shall be on all business done in the state, including a proportional part on all express business coming from other states or countries into this state, and all going from this state to other states or countries, provided, however, that nothing herein applies to goods or merchandise in transit through the state.

*100 Me. 278; 103 Me. 428.

Sec. 47. Annual return to board of state assessors; assessment of tax. R. S. c. 9, § 44. 1921, c. 71, § 5. Every such corporation, company, or person, shall, by its properly authorized agent or officer, annually, on or before the first day of May make a return under oath to the board of state assessors, stating the

amount of said receipts for all express matter carried within the state as specified in the preceding section; whereupon, the board of state assessors shall, on or before the fifteenth day of May following, assess the tax therein provided, and forthwith certify the same to the treasurer of state, who shall thereupon notify said corporations, companies, or persons, and said taxes shall be paid into the state treasury on or before the fifteenth day of June following.

See § 75; 100 Me. 278.

Sec. 48. State tax is in place of local taxation. R. S. c. 9, § 45. The taxes assessed upon express corporations, companies, and persons as aforesaid is in place of all local taxation, except that real estate owned by such corporations, companies, or persons shall be taxed in the municipality where the same is situated, as non-resident real estate.

100 Me. 278; 103 Me. 428.

Sec. 49. Penalty for neglect to make return. R. S. c. 9, § 46. Any corporation, company, or person neglecting to make returns according to section forty-seven forfeits twenty-five dollars for every day's neglect, to be recovered by action of debt in the name of the state.

100 Me. 278; 103 Me. 428.

Taxation of Insurance Companies.

Sec. 50. Domestic life insurance companies to be taxed on real estate, premiums, and surplus. R. S. c. 9, § 47. Every life insurance company or association, organized under the laws of this state, in lieu of all other taxation, shall be taxed as follows: First, its real estate shall be taxed by the municipality in which such real estate is situated, in the same manner as other real estate is taxed therein. Second, it shall pay a tax of two per cent upon all premiums, whether in cash or notes absolutely payable, received from residents of this state during the year preceding the assessment, as hereinafter provided, first deducting therefrom all dividends paid to policyholders in this state on account of said premiums. Third, it shall pay a tax of one-half of one per cent a year on its surplus, computed according to the laws of this state, after deducting the value of its real estate in this state, as fixed in determining such surplus; said surplus shall be determined by the insurance commissioner, and his certificate thereof to the treasurer of state shall be final.

See § 75; 79 Me. 231; 103 Me. 428.

Sec. 51. To return to insurance commissioner statement of premiums liable to taxation. R. S. c. 9, § 48. Every such company shall include in its annual return to the insurance commissioner a statement of the amount of premiums liable to taxation as provided in the preceding section, and of the real estate held by it on the thirty-first day of the previous December, showing in detail the amount of all premiums whether in cash or notes absolutely payable, received by said company from residents of this state during the year preceding the assessment, and all dividends paid to policyholders in this state on account of said premiums as required by blanks furnished by the commissioner. The tax provided by the preceding section shall be assessed and paid as provided in section fifty-nine, and said section and section fifty-six shall be applicable thereto.

See c. 60, § 91.

Sec. 52. Foreign insurance companies to pay tax on premiums. R. S. c. 9, § 49. Every insurance company or association which does business or collects premiums or assessments in the state, except those mentioned in sections fifty and fifty-five including surety companies and companies engaged in the business of credit insurance or title insurance, shall, as hereinafter provided, annually pay a tax upon all premiums received, whether in cash or in notes absolutely pay-

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able, on contracts made in the state for insurance of life, property, or interest therein, at the rate of one and one-half per cent a year; provided, however, that no tax shall be required on account of any premium paid or assessment levied on policies of insurance issued on farm property.

Sec. 53. Amount of tax, how determined. R. S. c. 9, § 50. In determining the amount of tax due under the preceding section, there shall be deducted by each company from the full amount of premiums received, the amount of all return premiums on policies canceled, the amount of all premiums paid to companies authorized to transact business in this state for reinsurance of risks in the state, and the tax shall be computed on the amount thus actually received by said companies or their agents as aforesaid.

Sec. 54. Such companies to make returns. R. S. c. 9, § 51. Every company or association which by the two preceding sections is required to pay a tax shall, on or before the thirty-first day of each January, make a return under oath to the insurance commissioner, stating the amount of all premiums received by said company, either in cash or notes absolutely payable, during the year ending on the thirty-first day of December previous, the amount of return premiums on policies canceled during the year, the amount of all premiums paid to or received from other companies during the year for insurance or reinsurance of risks in this state; the names of the companies with which such insurance or reinsurance was affected; the amount of the policies and the premiums on the same.

See c. 60, § 91.

Sec. 55. Tax on mutual fire insurance companies transacting mill insurance; to make return to insurance commissioner. R. S. c. 9, § 52. Mutual fire insurance companies incorporated under the laws of other states, which insure only factories, or mills, or property connected with such factories or mills, admitted to do business in this state shall comply with all the requirements of law except that in lieu of all other taxation upon premiums in this state, such companies shall annually pay a tax at the rate of two per cent on gross premiums in force on risks in this state, after deducting the unabsorbed portion of such premium, computed at the rate of return actually made on annual policies expiring during the year by said insurance companies. Such companies shall, on or before the thirty-first day of each January, make a return, under oath, to the insurance commissioner, showing the gross premiums in force on risks in this state on the thirty-first day of December previous and the unabsorbed portion of such premiums computed at the rate of return actually made on annual policies expiring during the year, by said insurance companies.

See c. 60, § 104.

Sec. 56. Neglecting to make return, how to be assessed; failing to pay, forbidden to do business in state. R. S. c. 9, § 53. If any insurance company or association refuses or neglects to make the return required by the two preceding sections, the board of state assessors shall make such assessment on such company or association as they deem just, and unless the same is paid on demand, such company or association shall do no more business in the state, and the insurance commissioner shall give notice accordingly. Whoever, after such notice, does business in the state for such company or association is liable to the penalty provided in section one hundred twenty-two of chapter sixty.

Sec. 57. Ratio of tax on certain foreign insurance companies; return and assessment of tax. R. S. c. 9, § 54. Any insurance company incorporated by a state or country whose laws impose upon insurance companies chartered by this state any greater tax than is herein provided shall pay the same tax upon business done by it in this state, in place of the tax above provided; and the insurance commissioner may require the return upon which such tax may be assessed

to be made to him, and the board of state assessors may assess such tax; and if it is not paid as provided in section fifty-nine, the insurance commissioner shall suspend the right of said company to do business in this state.

Sec. 58. Tax on reciprocal contracts of indemnity; return to insurance commissioner. R. S. c. 9, § 55. Every attorney, agent, or other representative by or through whom are issued policies or contracts of indemnity of the kind referred to in sections ninety-five to one hundred two, both inclusive, of chapter sixty, in lieu of all other taxation, state, county, or municipal, in this state, shall annually pay a tax at the rate of two per cent on gross premiums or deposits actually received during the year after deducting amounts actually returned to policyholders as the unused part of such premium or deposit, or such part as may be credited on the renewal or extension of the indemnity. Such attorney, agent, or other representative shall, on or before the thirty-first day of each January, make a return, under oath, to the insurance commissioner showing the gross premiums or deposits actually received during the preceding calendar year and such unused part of such premium or deposit as has been returned to policyholders or credited on renewal or extension of the indemnity.

Sec. 59. Assessment of tax; notice; suspension for non-payment. R. S. c. 9, § 56. The taxes imposed by sections fifty-two, fifty-five and fifty-eight respectively shall be assessed by the board of state assessors, upon the certificate of the insurance commissioner, to be seasonably furnished therefor, and certified to the treasurer of state, on or before the first day of April, and the same shall be paid on or before the first day of May following. The treasurer of state shall notify the several companies, and the agent, attorney, or other representative mentioned in the preceding section, and unless the tax is paid as aforesaid, the insurance commissioner shall suspend the right of the company, agent, attorney, or other representative to do any further business in the state until the tax is paid.

See c. 60, § 91.

Sec. 60. Taxation of business done with unauthorized companies; rate; exception. R. S. c. 9, § 57. All persons, companies, associations, or corporations, residing or doing business in this state, that enter into any agreements with an insurance company, association, individual, firm, underwriter, or Lloyds, not authorized to do business in this state, whereby said person, company, association or corporation shall enter into contracts of insurance against loss or damage by fire or lightning covering risks or property within this state, with said unauthorized association, individual, firm, underwriter, or Lloyds, for which a premium is charged or collected, shall, annually on the first day of December or within ten days thereafter, return to the insurance commissioner of this state a statement under oath for the twelve months preceding on policies or contracts of insurance or indemnity taken by the said person, company, association, or corporation. Such statement shall show the amount of insurance and the gross premiums paid to each stock company for insurance during the period covered by such statement, and there may be deducted from the gross premiums any premiums returned to the insured on policies canceled where such policies have been issued during the term covered by the statement, or premiums returned on policies canceled where such original premiums have been previously taxed under this section; or if the insurance or indemnity is with a mutual company or association or individual or through an attorney for individuals, partnerships or corporations, or firm or Lloyds, such statement shall show the amount of insurance or indemnity and gross premium or deposit or payment made to secure such insurance or indemnity and from said gross premium or deposit or payment there may be deducted any premiums returned to the insured on policies canceled

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where such policies have been issued during the term covered by the statement or premiums returned on policies canceled where such original premiums have been previously taxed under this section. The insurance commissioner shall give notice to each person, company, association, or corporation filing such return of the amount of his tax, computed at two and one-half per cent of the gross premium or deposit or payment made to secure the insurance or indemnity, and said tax shall be payable to the treasurer of state on or before the thirty-first day of December following; provided, however, that this section shall not be construed as extending to fraternal beneficiary associations, or members thereof; nor to mutual church insurance companies conducted for the protection of properties used in the service of religious denominations, or members thereof; nor to marine insurance; nor shall any provision of this section be construed as extending to insurance in unauthorized companies, written by special insurance brokers, under section one hundred twenty-six of chapter sixty.

Sec. 61. Penalty for refusing to make returns; action to recover tax. R. S. c. 9, § 58. Any person, company, association, or corporation failing or refusing to make the report required in section sixty and to furnish all the data and information that may be required by the insurance commissioner to determine the amount due shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars for each offense. Any person, company, association, or corporation failing or refusing to pay the tax required by section sixty shall be liable for such tax in an action of debt to be brought in the name of the state in the superior court in any county where such person, company, association, or corporation has a residence or place of business. Such action shall be prosecuted by the various county attorneys at the request of the treasurer of state.

Taxation of Savings Banks.

Sec. 62. Return of assets, loans, investments, and deposits; bank commissioner to fix market values and return to state assessors. R. S. c. 9, § 59. 1923, c. 144, § 136. Every savings bank and institution for savings incorporated under the laws of the state, shall, semi-annually, on the last Saturdays of March and September, make a return, signed and sworn to by its treasurer, of the average amount of its deposits, reserve fund and undivided profits for the six months ending on each of said days, together with a statement in detail of its assets, loans, and investments, and its deposits within and without the state, in separate columns. Such return shall also include a statement of the par value, cost to the bank and the book value of each item of assets claimed to be deductible under the provisions of the following section. Said return shall be made to the bank commissioner on or before the first Saturdays of April and October, and within thirty days thereafter, he shall fix and determine the book values of the investments aforesaid and transmit the same with such values so determined to the board of state assessors for the assessment required by the following section.

66 Me. 243; 68 Me. 517, 519.

Sec. 63. State assessors to determine value of the several franchises, and assess tax; rate; when payable. R. S. c. 9, §§ 60, 61. 1919, cc. 156, 221. 1923, c. 168. The board of state assessors shall thereupon determine the values of the several franchises of the said banks and institutions according to the following rule: from the average amount of deposits, reserve fund, and undivided profits so returned by each bank or institution there shall in each case be deducted an amount equal to the value so determined of United States obligations, all bonds,

notes and other obligations issued after the first day of February, nineteen hundred and nine, by this state, or any county, municipality, village corporation, light and power district or water district therein, all shares of stock of any trust companies or national banks located and doing business in this state, and all such shares of stock in other corporations as are by law of this state free from taxation to the stockholders, investments in such notes and bonds secured by mortgages on real estate in this state as are exempt from taxation in the hands of individuals and the assessed value of real estate owned by the bank or institution, and also an amount equal to three-fifths of the value so determined of such other assets, loans, and investments as by such statement appear to be loans to persons resident or corporations located and doing business in this state, securities of this state, public or private, bonds issued by corporations located and doing business in this state or guaranteed by such corporations, provided, the corporations issuing such bonds be operated by and physically connected with such guaranteeing corporations, and also an amount equal to three-fifths of the cash on hand and cash deposited within the state. Upon the value of each of said franchises so ascertained the board of state assessors shall assess an annual tax of one-half of one per cent; one-half of said tax to be assessed on or before the fifteenth day of May, and one-half on or before the fifteenth day of November. The board of state assessors shall thereupon certify said assessments to the treasurer of state, who shall forthwith notify the several banks and institutions interested. All taxes so assessed shall be paid semi-annually within ten days after the fifteenth days of May and November.

See § 75; c. 19, § 193.

Sec. 64. Deposits exempt from municipal taxation; but not land held by bank. R. S. c. 9, § 62. All deposits in savings banks in the state are exempt from municipal taxation to the bank or to the depositor, but real estate owned by the bank, not held as collateral security, may be taxed by the town in which the same is located.

*103 Me. 428.

Taxation of Loan and Building Associations.

Sec. 65. Required to make semi-annual returns to state assessors; penalty for false return; rate of taxation. R. S. c. 9, § 64. Every loan and building association doing business in this state shall semi-annually on the last secular days of March and September make a return, signed and sworn to by its secretary, of its assets and liabilities in detail, of the net amount of its investments other than in loans to individuals or corporations on real estate and on shares of the association, during the six months ending on each of said days, and of the monthly capital dues paid in by its shareholders during the six months ending on each of said days, exclusive of withdrawals, fines, interest, and premiums. Said returns shall be made to the board of state assessors on or before the second Mondays of April and October, and for wilfully making a false return, the secretary forfeits not less than five hundred dollars nor more than five thousand dollars. The treasurer of such association shall pay to the treasurer of state a tax of one-fourth of one per cent a year on the amount of monthly capital dues so returned, and a further tax of one-half of one per cent on the average amount so returned of the investments of such associations other than in loans to individuals and corporations on real estate and on shares of the association.

See § 75.

Sec. 66. Taxes, how assessed. R. S. c. 9, § 65. One-half of said tax shall be assessed on the amount so returned for the six months ending on the last secular day in March and the other half on the amount so returned for the six months

ending on the last secular day in September; and such tax shall be paid semi-annually, within ten days after the first Mondays in May and November.

Sec. 67. Capital dues exempt from taxation. R. S. c. 9, § 66. All capital dues of such associations are exempt from municipal taxation to the association or to the shareholder, but real estate owned by the association, not held as collateral security, may be taxed by the town in which the same is located.

Taxation of Foreign Banking Associations and Corporations.

Sec. 68. Foreign banking corporations doing business in this state, required to pay a tax; rate; amount of business, how ascertained; when payable. R. S. c. 9, § 67. Every banking association or corporation, not incorporated under the laws of this state or of the United States, that maintains a branch or agency in this state for the transaction of a banking business, shall pay to the treasurer of state a tax of three-quarters of one per cent a year on the amount of such business done in this state. One-half of said tax shall be paid on the amount of such business for the six months ending on the last Saturday of March, and the other half on the amount for the six months ending on the last Saturday of September, or for such portion of such periods as said association or corporation may transact business in this state. The amount of such business done in this state shall be ascertained by first computing the daily average for each month of the period of all the moneys outstanding upon loans and investments and of all other moneys received, used, or employed in connection with such business, and by then dividing the aggregate of such monthly averages by the number of months covered by said return; and the quotient resulting shall be deemed the amount of such business. The amount of such tax so ascertained shall be paid to the treasurer of state semi-annually within ten days after the first Mondays in May and November.

Sec. 69. Report to bank commissioner of amount of business transacted, etc. R. S. c. 9, § 68. Such association or corporation and the manager or agent of such branch or agency shall cause a written report to be made to the bank commissioner on or before the last Saturdays of April and October of each year, verified by the oath of such manager or agent, giving the amount of such business transacted in this state under the rule given in the preceding section, and stating the amount of state tax which such branch or agency is liable to pay, and setting forth in detail the daily average for each month preceding the last Saturdays of March and September; and also giving such further or additional information as to the business of such foreign banking association or corporation done in this state as may be required by the bank commissioner.

Sec. 70. To keep account of money used and deposits made. R. S. c. 9, § 69. Every such banking association or corporation and its managers, agents, and employees shall cause to be kept at all times in the office where such business is transacted in this state a full and accurate account of the moneys used or employed in such business and of the deposits therein, and such account together with the books, papers, and records relating to the business done in this state shall be subject to the inspection and examination of the bank commissioner, or of any clerk designated by him, during business hours of any day on which business may legally be transacted.

Sec. 71. Penalty for violation. R. S. c. 9, § 70. Except as hereinbefore provided, no banking association, unless incorporated under the laws of this state or of the United States, shall maintain any branch or agency in this state for the transaction of banking business. Any officer, agent, or employee of such association or corporation doing business in this state contrary to the provisions of

the three preceding sections shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars for each offense, to be recovered by indictment to the use of the state.

Taxation of Trust and Banking Companies.

Sec. 72. Trust and banking companies to semi-annually return the amount of certain deposits; penalty for false returns; valuation of securities. R. S. c. 9, § 71. 1923, c. 144, § 137. Every trust and banking company incorporated under the laws of this state shall, semi-annually on the last Saturdays of March and September, make a return signed and sworn to by its treasurer, of the average amount of its time deposits and its deposits bearing interest at the rate of three per cent or more per annum for the six months preceding each of said dates, together with a statement in detail of the amount of United States obligations, all bonds, notes, and other obligations issued after the first day of February, nineteen hundred and nine, by this state or any county, municipality, village corporation, light and power district, bridge district, pier site district, school district, or water district therein, the shares of corporation stocks such as are by law of this state free from taxation to the stockholders, and such notes and bonds secured by mortgages on real estate in this state as are exempt from taxation in the hands of individuals. Such return shall also include a statement of the par value, cost to the bank and the book value of each item of such assets. For wilfully making a false return, the treasurer of the corporation forfeits not less than five hundred dollars, nor more than five thousand dollars. Said return shall be made to the bank commissioner, on or before the first Saturdays of April and October, and within thirty days thereafter, he shall fix and determine the cost to such company of the investments aforesaid, and transmit said returns with such cost so determined to the board of state assessors for the assessment required by the following section.

See § 75.

Sec. 73. Assessment of tax; when payable. R. S. c. 9, §§ 72, 73. 1919, c. 221, § 3. 1923, c. 144, § 138. The board of state assessors shall thereupon deduct from the average amount of the time and interest-bearing deposits so returned, an amount equal to the cost so determined of all the assets specially returned under the provisions of the preceding section and also an amount equal to the value so determined of investments in such notes and bonds secured by mortgages on real estate in this state as are exempt from taxation in the hands of individuals, and upon the balance so found, assess an annual tax of one-half of one per cent; one-half of said tax shall be assessed on or before the fifteenth day of May on the balance of said deposits so ascertained for the six months ending on and including the last Saturday of March, and one-half on or before the fifteenth day of November on the balance of said deposits so ascertained for the six months ending on and including the last Saturday of September. The board of state assessors shall thereupon certify said assessment to the treasurer of state, who shall forthwith notify the several trust and banking companies interested, and all taxes so assessed shall be paid semi-annually within ten days after the fifteenth days of May and November.

Sec. 74. Exemption from municipal taxation. R. S. c. 9, § 74. All deposits designated in section seventy-two are exempt from municipal taxation to the company or the depositor.

103 Me. 428.

Sec. 75. Proceedings in case of failure to make returns and pay tax. R. S. c. 9, § 75. If any corporation, company, or person fails to make the returns required by sections thirty-seven, thirty-nine, forty-seven, sixty-five, and seventy-

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two, the board of state assessors shall make an assessment of a state tax upon such corporation, company, or person on such valuation, or on such gross receipts thereof, as the case may be, as they think just, with such evidence as they may obtain, and such assessment shall be final. If any corporation, company, association, or person fails to pay the taxes required or imposed by sections twenty-nine, thirty-six, forty, forty-six, sixty-three, sixty-six, and seventy-three, the treasurer of state shall forthwith commence an action of debt, in the name of the state, for the recovery of the same with interest at the rate of ten per cent a year. In addition to other remedies for the collection of state taxes upon any corporation, such taxes with interest at the rate of ten per cent a year may be recovered by an action of debt, in the name of the state.

Sec. c. 95, § 15; 68 Me. 517, 519; *86 Me. 495.

As to penalties for failure to make returns upon which the franchise tax imposed by section twenty-one may be assessed, see c. 56, § 39; for failure to make returns under which the taxes imposed upon railroad companies under section thirty may be assessed, see c. 62, §§ 75, 82; for failure to make the returns of insurance companies under which the tax imposed by sections fifty and fifty-nine may be assessed, see c. 60, § 91.

Taxation of Shares of Stock of Trust and Banking Companies.

Sec. 76. Trust companies and banking institutions to file list of stockholders and inventory of real estate and other taxable property, together with memorandum of assessed value. 1921, c. 197, § 1. On or before April fifteenth of each year, the treasurer of every trust company organized under the laws of this state, and the cashier of every banking institution formed under the laws of the United States, doing business in this state, shall send to the state assessors a certified list of all stockholders and their residences, showing the number of shares owned by each on the first day of April, together with the value of the real estate, vaults, and safe deposit plant, owned by each trust company or banking institution which is taxed as other real estate is taxed in the town in which it is located and the amount for which said real estate, vaults, and safe deposit plant was valued by the assessors of such municipality for the year previous.

Sec. 77. State assessors to assess a tax of fifteen mills on stock of trust companies and banking institutions; to pay the tax to state treasurer and may collect same from stockholders; appeal. 1921, c. 197, § 2. The board of state assessors shall thereupon determine the value of said shares of stock and deduct therefrom the proportionate part of the assessed value of such real estate, vaults, and safe deposit plant. Upon the value of said shares so determined after making said deductions, the board of state assessors shall assess an annual tax of fifteen mills for each dollar of such assessed value so determined, and shall, on or before the first day of June, certify said assessments to the treasurer of state, who shall forthwith notify said trust companies and banking institutions. All taxes so assessed shall be paid by said trust companies and banking institutions to the treasurer of state, on or before the first day of July, and said tax shall be in lieu of all municipal or other taxes upon said stock, and said trust companies and banking institutions may charge the tax so paid pro rata to the individual stockholders thereof.

Any party in interest aggrieved by the valuation of the shares of any trust company or banking institution made by the board of state assessors may claim an appeal to the superior court at any time before said first day of July. Such appeal shall be filed in the office of the clerk of said court in the county where such trust company or banking institution is located, and shall be heard and determined at the next term thereof held after said date. Notice and hearing of such appeal shall be given and held in the manner provided by section

seventy-seven of chapter thirteen of the revised statutes. The decision of the court upon such appeal shall be certified by the clerk to the board of state assessors who shall thereupon assess a tax of fifteen mills upon the valuation of such shares as fixed by the court, and shall forthwith certify such assessment to the treasurer of state who shall give notice thereof to the trust company or banking institution whose shares are affected thereby, and the tax so assessed with interest at six per cent from July first of the year for which the tax is assessed shall be paid to the treasurer of state within thirty days thereafter.

Sec. 78. Tax against shares of non-resident holders to be returned to municipality where trust company or banking institution is located; tax of resident shareholders to be returned to municipality where shareholder resides. 1921, c. 197, § 3. The tax so assessed upon the shares of non-resident stockholders of such trust company or banking institution shall be returned by the treasurer of state, on or before the first day of August, to the municipality in which such trust company or banking institution is located; and the tax so assessed upon the shares of resident stockholders of such trust company or banking institution shall be returned by the treasurer of state, on or before the first day of August, to the municipality in which such stockholders reside.

Tax on Gasoline.

Sec. 79. Terms defined. 1923, c. 224, § 1. 1929, c. 93, § 1. The terms used in sections seventy-nine to eighty-nine shall be construed as follows: "Internal combustion engine" shall mean any engine operated by explosion or quick burning therein of gasoline, benzol, or other product except kerosene. "Internal combustion engine fuel" shall mean motor fuel commonly called and known as gasoline, benzol, or other product except kerosene and crude oil to be used in the operation of an internal combustion engine. "Distributor" shall mean any person, association of persons, firm or corporation, wherever resident or located, who imports or causes to be imported for sale or for his or its own use (with the exception hereinafter set forth) any internal combustion engine fuels as herein defined for use in this state after it reaches this state; and also any person, association of persons, firm or corporation who produces, refines, manufactures or compounds internal combustion engine fuels as herein defined within the state; and also any person, association of persons, firm or corporation who purchases in tank car lots either within or without the state internal combustion engine fuels, as herein defined, for the purpose of resale within the state.

Sec. 80. Excise tax of four cents; three cents of tax on fuels used for motor boats, agricultural tractors, stationary engines, or arts to be refunded. 1923, c. 224, § 2. 1925, c. 212, § 1. 1927, c. 251, § 1. There is hereby levied and imposed an excise tax of four cents per gallon upon said internal combustion engine fuels sold within this state and for the uses defined in these sections, excepting, however, such internal combustion engine fuels in such form and under such circumstances as shall preclude the collection of this tax from the distributor by reason of the provisions of the laws of the United States, or sold wholly for exportation from the state, provided that three cents of the tax so paid and no more, upon such internal combustion engine fuels sold for exclusive use in motor boats, tractors used for agricultural purposes not operating on public ways or in such vehicles as run only on rails or tracks, or sold for use in stationary engines, or sold for use in the mechanical or industrial arts, shall be refunded as hereinafter provided.

Sec. 81. Distributors to file certificate with state auditor; contents of certificate; distributor not to sell or distribute fuels until certificate is filed. 1923, c. 224, § 3. Every distributor of such internal combustion engine fuel in the state shall file a duly acknowledged certificate with the state auditor on forms prescribed and furnished by the auditor, which shall contain the name under which such distributor is transacting business within the state, the place or places of business, and location of distributing stations, and agencies of the distributor, the names and addresses of the several persons constituting the firm or partnership, and if a corporation its corporate name, and the names and addresses of its principal officers and agents within the state. No distributor as herein defined shall sell or distribute any such internal combustion engine fuels until such certificate is furnished as required by this section.

Sec. 82. Fuels distributed to branch agencies subject to tax. 1923, c. 224, § 4. All internal combustion engine fuels as defined in section seventy-nine distributed by the distributors to their branch agencies throughout the state shall be deemed to have been sold and shall be subject to the requirements of sections seventy-nine to eighty-nine in every respect.

Sec. 83. Distributor entitled to collect four cents additional. 1923, c. 224, § 5. 1925, c. 212, § 2. 1927, c. 251, § 2. Each distributor paying or becoming liable to pay the tax imposed by sections seventy-nine to eighty-nine shall be entitled to charge and collect four cents per gallon only as a part of the selling price of the internal combustion engine fuels subject to the tax.

Sec. 84. Report of sales to be made on 15th of each month for preceding month; tax to be paid on or before first day of month succeeding filing of report; auditor to submit statement to state treasurer of taxes due. 1923, c. 224, § 6. 1925, c. 212, § 3. Every distributor shall, on or before the fifteenth day of each month, render a report to the state auditor stating the number of gallons of internal combustion engine fuels received, sold, and used in the state by him during the preceding calendar month on forms to be furnished by said auditor; and said report shall contain such further information pertinent thereto as said auditor shall prescribe. On or before the first day of the calendar month succeeding the filing of said report each distributor shall pay to the treasurer of state a tax of four cents per gallon upon each gallon so reported as sold or distributed. On or before the first day of each calendar month the state auditor shall transmit to the treasurer of state such information as shall show all taxes due from each distributor under the provisions of sections seventy-nine to eighty-nine.

Sec. 85. Persons receiving fuels in manner to preclude collection of tax in first instance may become liable for payment of tax if afterwards sold. 1923, c. 224, § 7. Whoever shall receive any such internal combustion engine fuels in such form and under such circumstances as shall preclude the collection of this tax from the distributors by reason of the provisions of the laws of the United States, and shall thereafter sell or use any such internal combustion engine fuels in such manner and under such circumstances as may subject such sale or use to the taxing power of this state, shall be considered as a distributor and shall make the same reports, pay the same taxes, and be subject to all other provisions of sections seventy-nine to eighty-nine relating to distributors or internal combustion engine fuels.

Sec. 86. Application of taxes collected. 1923, c. 224, § 8. 1925, c. 212, § 4. 1927, c. 251, § 2. 1929, c. 93, § 2; c. 364, § 1. All moneys received through the provisions of sections seventy-nine to eighty-nine by the treasurer of state shall be appropriated and used for the administration and collection of the tax

provided for by section eighty, and the remainder of said moneys shall be appropriated and used in the following manner, namely: fifty per cent thereof for the maintenance of state and state aid highways, interstate, intrastate, and international bridges; twelve and one-half per cent thereof shall be added to the balance of the fund for the construction of third class highways; thirty-seven and one-half per cent thereof shall be added to the fund for the construction of state aid highways. Any unexpended balances from the above apportionments shall not lapse but shall be carried forward to the same fund for the next fiscal year, except that any balance of the appropriation herein made for the construction of state aid highways, after allotments in full as applied for by the towns have been made yearly, shall be added to the fund for construction of third class highways. If the moneys, provided for by this section, have not been collected or for any reason are not available for the purposes herein specified, the governor and council may issue their warrant to the treasurer of state, authorizing him to advance and pay from any moneys then in the treasury not otherwise appropriated, such sums of money as they may deem necessary to carry on the construction and maintenance of highways and bridges, until such time as said moneys shall become available for said purposes, at which time all necessary adjustments may be made on the books of the state auditor and treasurer of state.

Sec. 87. Unconstitutionality of any section or provision not to affect other provisions of §§ 79-89. 1923, c. 224, § 9. In case any section or provision of sections seventy-nine to eighty-nine, both inclusive, shall be held unconstitutional or invalid, the same shall not be held to affect any other section or provision of the said sections.

Sec. 88. Penalty for false returns or violations of provisions; tax may be collected by civil action. 1923, c. 224, § 10. Any distributor of such internal combustion engine fuels who shall make any false or fraudulent report or return required by sections seventy-nine to eighty-nine, or who shall evade or violate any other provisions of said sections, shall be fined not more than two thousand dollars. Whenever any distributor shall fail to pay any tax due under the provisions of said sections within the time limited herein, the attorney-general shall enforce payment of such tax by civil action against such distributor for the amount of such tax in a court of appropriate jurisdiction.

Sec. 89. Provision for refund of three-fourths of tax collected in certain instances; procedure for obtaining refund; time limit for filing application for refund. 1925, c. 212, § 5. 1927, c. 251, § 3. Any person, firm, or corporation who shall buy and use any internal combustion engine fuel as defined in sections seventy-nine to eighty-nine for the purpose of operating or propelling motor boats, tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of the state of Maine, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections seventy-nine to eighty-nine, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of three-fourths of the amount of such tax paid by him upon presenting to the state auditor an affidavit accompanied by the original invoices showing such purchases, which affidavit shall be verified by the oath of such affiant, and shall state the total amount of such fuel so purchased and used by such consumer other than in

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motor vehicles operated or intended to be operated upon any of the public highways of the state, and the governor and council, upon the presentation of such affidavit and such vouchers, approved by the state auditor, shall cause to be repaid to such consumer from the taxes collected on internal combustion engine fuels three-fourths of the said taxes so paid by such consumer on fuels purchased and used, other than for motor vehicles as aforesaid; provided, that applications for refunds as provided herein must be filed with the state auditor within six months from the date of purchase of invoice.

Taxation of Motor Vehicles.

Sec. 90. Excise tax to be levied annually. 1929, c. 305. An excise shall be levied annually as herein provided with respect to each calendar year for the privilege of operating upon the public ways, each motor vehicle to be so operated, subject to the provisions of section eighty-two, as follows: a sum equal to twenty-three mills on each dollar of the maker's list price for the first or current year of model, sixteen and one-half mills for the second year, twelve and one-half mills for the third year, nine mills for the fourth year, five and one-half mills for the fifth year and three mills for the sixth and succeeding years; provided, however, that persons registering under the provisions of section forty of chapter twenty-nine, the state and political subdivisions thereof, bona fide dealers or manufacturers of motor vehicles, which motor vehicles are solely for the purpose of demonstration and sale and which constitute stock in trade, telephone and telegraph companies subject to the excise tax set forth in sections thirty-nine to forty-five of this chapter, express companies subject to the excise tax as set forth in sections forty-six to forty-nine of this chapter, both inclusive, railroad companies subject to the excise tax set forth in chapter nine, sections twenty-eight to thirty-eight of this chapter, both inclusive, excepting however, motor busses used for the transportation of passengers for hire, shall not be subject to the excise herein provided.

Sec. 91. Exempt from further taxation. 1929, c. 305. Any automobile owner, who has paid the excise tax on his motor vehicle for the year to a city or town as herein provided, shall be exempt from further or other taxation on said motor vehicle for that year by said city or town.

Sec. 92. Payment of tax must precede registration. 1929, c. 305. No motor vehicle owned or controlled by a resident of this state shall be registered under the provisions of chapter twenty-nine until the owner or person controlling the same has paid the excise tax herein provided to the city or town wherein he resides.

Sec. 93. Credit for tax may be transferred if motor vehicle is sold, stolen, burned, or totally destroyed. 1929, c. 305. Any owner who has paid said excise tax for a motor vehicle the ownership of which is transferred, or which is subsequently totally lost by fire, theft or accident, in the same calendar year, shall be entitled to a credit to the amount of such tax towards an excise tax for another motor vehicle which may be required of him in the same calendar year. No portion of any excise tax once paid shall be repaid to any person; and from October first to December thirty-first such credit shall not exceed one-third of the amount of the original tax.

Sec. 94. Receipts to be issued in duplicate. 1929, c. 305. Receipts for the payment of this excise tax shall be in the form prescribed by the secretary of state. They shall be issued in duplicate, and one copy shall be delivered to the secretary of state, at the time application is made for registration of the motor vehicle, and filed with the application.

Sec. 95. City or town collector of taxes to make collection. 1929, c. 305. The collector of taxes of each city or town, or such other person as the city or town may designate, shall collect such excise tax and issue to each person paying it, the receipt therefor prescribed in section eighty.

Sec. 96. From September first to December thirty-first to be one-third of sum named in section ninety. 1929, c. 305. The excise tax under the provisions of this chapter during the period beginning with September first and ending with December thirty-first shall be one-third of the sum named in section ninety.

Sec. 97. Money raised to be accounted for by city and town officials; apportioned as moneys from other taxes in cities and towns. 1929, c. 305. Each designated city official and treasurer of each town shall keep an account of the money received by him for said excise taxes, and deposit the same in the city or town treasury monthly. Failure so to deposit shall be cause for immediate removal from office. All moneys collected in accordance with the provisions of sections ninety to ninety-nine inclusive shall be apportioned between such town, city and any village corporation, sewer district, fire district or other public municipal corporation, in the same manner as the moneys now collected for taxes assessed on property located within such town or city.

Sec. 98. Collector in adjacent town or city to make collection in unincorporated places. 1929, c. 305. The collector of taxes of any adjacent town or the city treasurer of any adjacent city shall receive the excise tax and issue the receipt prescribed therefor under this chapter to persons residing in unorganized places in any county. Such fees shall be for the use of the town in which such tax is paid.

Sec. 99. Fine for false statements to any person receiving tax. 1929, c. 305. Any person wilfully making any false statement to any person charged with the duty of receiving this tax and issuing the receipt therefor, when making statement for the purpose of the levy of said tax hereunder, shall be punished by a fine of not more than twenty-five dollars.