

HOUSE No. 3433

By Mr. Flood of Canton, petition of John H. Flood for legislation to permit small estates full use of the Massachusetts marital deduction. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT PERMITTING SMALLER ESTATES FULL USE OF THE MASSACHUSETTS MARITAL DEDUCTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 65C of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking out subsection (g) and inserting in place thereof the
4 following subsection: —

5 (g) "Massachusetts net estate", the Massachusetts gross estate
6 less the following deductions to the extent they are allowable
7 under section three: (1) funeral expenses; (2) claims against the
8 estate; (3) unpaid mortgages on, or any indebtedness in respect
9 of, property where the value of the decedent's interest therein,
10 undiminished by such mortgage or indebtedness, is included in
11 the value of the Massachusetts gross estate; and (4) property which
12 has passed or passes to a surviving spouse, the value of which is
13 included in the Massachusetts gross estate and which is allowable
14 as a deduction under section two thousand and fifty-six of the
15 Code.*

16 *26 U.S.C.A. Section 2056.

1 SECTION 2. Section one of this act shall apply to the estates
2 of decedents dying on or after January first, nineteen hundred and
3 eighty-nine.

