

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 527

H. P. 1492 House of Representatives, February 28, 1929.

Referred to Committee on Taxation and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Jack of Lisbon.

STATE OF MAINE

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

AN ACT to Raise an Excise Tax on Corporations Organized for Making, Generating, Selling, Distributing and Supplying Electricity or Electric Current for Power, Lighting, Heating, Manufacturing or Mechanical Purposes.

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

Section 1. Every public service corporation doing business in this state and under the jurisdiction of the public utilities commission and organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing, or mechanical purposes, incorporated under the laws of the state or by special act of the legislature, or doing business therein,

8 shall annually, between the first and fifteenth days of April
9 in each year, return to the secretary of state under oath of
10 its treasurer, the amount of the capital stock of the cor-
11 poration, both common and preferred; the number and par
12 value of the shares; a complete list of its shareholders, with
13 their places of residence, and the number of shares belong-
14 ing to each, on said first day of April.

Sect. 2. Every public service corporation as above de-
2 fined in section one, organized for making, generating, sell-
3 ing, distributing and supplying electricity or electric cur-
4 rent for power, lighting, heating, manufacturing or mechan-
5 ical purposes, incorporated under the laws of the state or
6 by special act of the legislature or doing business in said
7 state, operating any such public service corporation in this
8 state under lease or otherwise, shall pay to the treasurer
9 of the state for the use of the state an annual excise tax
10 for the privilege of exercising its franchises and the fran-
11 chise of its dams, power stations, power and transmission
12 lines, switchboards and other property, and which said an-
13 nual excise tax shall be in addition to all taxes upon such
14 public service corporations, their property or stock.

Sect. 3. Every such public service corporation as defined
2 in section one of this act and under the jurisdiction of the
3 public utilities commission, shall file with said public utili-
4 ties commission on the first day of January in each year
5 a statement under oath of the total number of kilowatt
6 hours of electricity or electric current sold during the pre-

7 ceding twelve months and the gross income received there-
8 for and the public utilities commission shall report the same
9 to the state board of assessors on or before the first day
10 of February following.

11 The said tax shall be computed at four per cent of the
12 gross income as reported under the provisions of this act
13 and the tax against each public service corporation herein
14 described shall be four per cent of the gross income re-
15 ceived by said public service corporation during the pre-
16 ceding twelve months.

17 Sect. 4. The board of state assessors on or before the
18 first day of April in each year, shall determine the amount
19 of such tax and report the same to the treasurer of state,
20 who shall forthwith give notice thereof to the public ser-
21 vice corporation upon which the said tax is levied.

22 Sect. 5. Said tax shall be payable to the treasurer of
23 state for the use of the state, one-half on the first day of
24 July next after the levy is made, and the other one-half on
25 the first day of October following. Said tax shall be a
26 lien on all the property of any such public service corpora-
27 tion herein taxed and takes precedence over all other liens
28 and encumbrances.

29 Sect. 6. Any public service corporation aggrieved by the
30 action of the board of state assessors through error or mis-
31 take in determining the said tax, may apply for abatement
32 of any such excessive tax to the board of state assessors on
33 or before the first day of May in each year, and if, upon

6 hearing and examination, the tax appears to be excessive
7 through such error or mistake, the board of state assessors
8 shall thereupon abate such excess and the amount so abated
9 shall be deducted from any tax due and unpaid from such
10 public service corporation, upon which the excessive tax
11 was assessed, and if there is no such unpaid tax, the gover-
12 nor and council shall draw a warrant for the abatement to
13 be paid from any money in the treasury not otherwise ap-
14 propriated.

Sect. 7. If the returns required by law in relation to
2 such public service corporation are found insufficient to
3 furnish the basis upon which the tax should be levied, the
4 public utilities commission shall require such additional
5 facts in the returns as may be found necessary, and until
6 such returns are so required, or in default of such returns
7 when required, the board of state assessors shall act upon
8 the best information they may obtain. The public utilities
9 commission shall have access to the books of any such pub-
10 lic service corporation to ascertain if such returns are cor-
11 rectly made and any such public service corporation operat-
12 ing any such public service corporation as defined in sec-
13 tion one of this act in the state, which refuses or neglects
14 to make returns required by law or to exhibit to the public
15 utilities commission its books for the purposes aforesaid,
16 or makes returns which the president, clerk, treasurer or
17 other person certifying such returns knows to be false, for-
18 feits not less than one thousand dollars nor more than ten

19 thousand dollars, to be recovered by indictment or by an
20 action of debt in any county in which such public service
21 corporation conducts any of its service.

Sect. 8. The provisions of this act shall not apply to
2 municipal corporations selling electricity or electric current
3 for power, lighting, heating, manufacturing or mechanical
4 purposes and to corporations whose gross income from the
5 sale of electricity or electric current as set forth in section
6 three of this act, does not exceed fifty thousand dollars.