

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventieth Legislature.

HOUSE.

No. 308

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT Relating to the Taxation of Telegraph and Telephone
Companies.

*To the Honorable Senate and House of Representatives, in
Legislature assembled:*

Section 1. Strike out sections forty-eight to fifty-four
2 inclusive of chapter six of the Revised Statutes as amended
3 by chapter one hundred fifty-four of the laws of 1893, and
4 substitute therefor the following:

'Section 1. Every corporation, association or person
6 operating in whole or in part a telephone or telegraph line
7 for toll or other compensation within the state shall
8 annually, between the first and fifteenth days of April, return
9 to the secretary of state under oath of its treasurer, if a

10 corporation, the amount of the capital stock of the corpor-
11 ation, the number and par value of the shares, and a com-
12 plete list of its shareholders resident within the state, with
13 their places of residence, and the number of shares belong-
14 ing to each on said first day of April; if a person or asso-
15 ciation, the owner or owners on one of them shall annually
16 make a return under oath to the secretary of state, between
17 the first and fifteenth days of April, of the names and resi-
18 dences of the owner or owners and the relative interest each
19 owner has in any such association on the first day of April.
20 The returns shall also contain a statement of the assessed
21 value in each town of the real estate of such corporation,
22 association or person used solely for the conduct of a tele-
23 phone or telegraph business, and taxed by any municipality,
24 and the gross receipts from business done wholly within the
25 state for operating such business during the preceding year
26 ending April first.'

Sect. 2. Every corporation, association or person oper-
2 ating in whole or in part a telephone or telegraph line
3 within the state for tolls or other compensation, shall pay to
4 the treasurer of the state for the use of the state an annual
5 excise tax for the privilege of conducting such business
6 within the state which tax, with the tax provided for in
7 section 6 of this act, is in place of all taxes upon the prop-
8 erty of such corporation, association or person employed in
9 such business, and of all taxes upon the shares of the capital
10 stock of any such corporation.

There shall be apportioned and paid by the state from the
12 taxes collected under this section to the several cities and
13 towns in which on the first day of April in each year is held
14 stock of any such corporation, or in which reside the owners
15 or owner of an interest in any telegraph or telephone lines
16 operated by any association or person not a corporation and

17 taxed under this act, an amount equal to one per cent on
18 the value of such stock on that day as determined by the
19 state assessors, if a corporation; and if not a corporation,
20 such proportion of the amount of such excise tax paid into
21 the state treasury by the association, person or persons
22 operating such line as such interest owned by a resident in
23 any such municipality bears to the whole ownership; pro-
24 vided, however, that the total thus apportioned on account
25 of such stock, if a corporation, shall not exceed the sum
26 received by the state as a tax on account of such corpor-
27 ation; and provided further that there shall not be appor-
28 tioned on account of any such corporation a greater part
29 of the whole tax received by the state from such corporation
30 than the proportion which the amount of capital stock of
31 such corporation owned in this state bears to the whole
32 amount of the capital stock of such corporation.

Sect. 3. The amount of such annual excise tax shall be
2 ascertained as follows: When the gross receipts from busi-
3 ness done wholly within this state, for the year for which the
4 tax is assessed on such corporation, association or person
5 in the operation of such business exceed one thousand
6 dollars and do not exceed five thousand dollars the tax shall
7 be one and one-fourth per cent. of such gross receipts;
8 when such gross receipts exceed five thousand dollars and
9 do not exceed ten thousand dollars the tax shall be one and
10 one-half per cent. of such gross receipts; and when such
11 gross receipts exceed ten thousand dollars and do not
12 exceed twenty-five thousand dollars the tax shall be one and
13 three-fourths per cent. of the gross receipts; when such
14 gross receipts exceed twenty-five thousand dollars and do
15 not exceed fifty thousand dollars the tax shall be two per
16 cent. of such gross receipts, and so on increasing the rate
17 of the tax one-quarter of one per cent. for each additional

18 twenty-five thousand dollars, or fractional part thereof, of
19 such gross receipts, provided that the rate shall in no event
20 exceed four per cent. of such gross receipts.

Sect. 4. The state board of assessors on or before the first
2 day of May annually shall determine the amount of such tax
3 and report the same to the treasurer of the state, who shall
4 forthwith give notice thereof to the corporation, association
5 or person upon which the tax is levied.

Sect. 5. Said tax shall be paid in to the treasurer on or
2 before the first day of September annually. If any party
3 fails to pay the tax as hereinbefore required the treasurer of
4 the state may proceed to collect for the same, with interest
5 at the rate of ten per cent. a year, by action of debt in the
6 name of the state. Said tax shall be a lien on the property
7 of such corporation, and on its franchise, and upon the prop-
8 erty used in operating a telephone or telegraph business by
9 any such association or person, and takes precedence over
10 all other liens.

Sect. 6. The state board of assessors, or their duly author-
2 ized agent, shall have access to the books of any such
3 corporation, association or person, to ascertain if the
4 required returns are correctly made; and any corporation,
5 association or person operating any telegraph or telephone
6 line in this state, and refusing or neglecting to make the
7 returns required by law, or to exhibit to the state assessors,
8 or their duly authorized agent therefor, its or his books for
9 the purpose aforesaid, or making returns which the presi-
10 dent, clerk, treasurer or other person certifying such returns
11 know to be false, shall forfeit not less than one thousand
12 or more than ten thousand dollars, to be recovered by
13 indictment or by action of debt in any county into which the
14 said telegraph or telephone lines extend.

Sect. 7. The excise tax collected under this act shall be
2 in lieu of all taxes upon any corporation therein designated,
3 upon its shares of capital stock and its property used in the
4 conduct of its telephone or telegraph business, including
5 the poles, wires, insulators, office furniture, batteries, instru-
6 ments, telegraphic and telephonic apparatus, telephones and
7 transmitters used under lease or license or owned by such
8 corporation, association or person; provided, however, that
9 the real estate and also personal property not hereinabove
10 exempted, owned by such corporation, association or
11 person, shall be taxed in the municipality in which the same
12 is situated; but the amount of the tax assessed upon such
13 real estate if owned and actually used by such corporation,
14 association or person in the transaction of their business;
15 shall be deducted by the state board of assessors from the
16 tax laid under this act. The assessment of taxes on such
17 real estate shall be legal, whether assessed as resident or
18 non-resident property.

Sect. 8. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 6, 1901.

Reported by Mr. ALLEN of Sanford, from Committee on Taxation,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*