

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 903

H. D. No. 217

House of Representatives, Feb. 25, 1925.

Was taken from the table, and on motion by Mr. Wing of Auburn was referred to Committee on Taxation and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wing of Auburn.

STATE OF MAINE

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

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
2 in this state and under the jurisdiction of the Public Utili-
3 ties Commission and organized for making, generating, sell-
4 ing, distributing and supplying electricity or electric current
5 for power, lighting, heating, manufacturing, or mechanical
6 purposes, incorporated under the laws of the state or by
7 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 its
10 treasurer, the amount of the capital stock of the corporation,
11 both common and preferred; the number and par value of
12 the shares; a complete list of its shareholders, with their
13 places of residence, and the number of shares belonging to
14 each, on said first day of April.

Sect. 2. Every public service corporation as above de-
2 fined in Section 1, organized for making, generating, selling,
3 distributing and supplying electricity or electric current for
4 power, lighting, heating, manufacturing or mechanical pur-
5 poses, incorporated under the laws of the state or by spec-
6 ial act of the Legislature or doing business in said state,
7 operating any such public service corporation in this state
8 under lease or otherwise, shall pay to the treasurer of the
9 State for the use of the State an annual excise tax for the
10 privilege of exercising its franchises and the franchise of
11 its dams, power stations, power and transmission lines,
12 switchboards and other property, and which said annual
13 excise tax shall be in addition to all taxes upon such public
14 service corporations, their property or stock.

Sect. 3. Every such public service corporation as defined
2 in Section 1 of this Act and under the jurisdiction of the
3 Public Utilities Commission, shall file with said Public
4 Utilities Commission on the first day of January in each
5 year 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 Public Utilities Commission
8 shall report the same to the State Board of Assessors on
9 or before the first day of February following.

The said tax shall be computed at one mill per kilowatt hour
2 reported as under the provisions of this Act, as sold, and

The said tax against each public service corporation shall
2 be one mill for each kilowatt hour of electricity or electric
3 current sold by said public service corporation during the
4 preceding twelve months.

Sect. 4. The Board of State Assessors on or before the
2 first day of April in each year, shall determine the amount
3 of such tax and report the same to the Treasurer of State,
4 who shall forthwith give notice thereof to the public service
5 corporation upon which the said tax is levied.

Sect. 5. Said tax shall be payable to the Treasurer of
2 State for the use of the State, one-half on the first day of
3 July next after the levy is made, and the other one-half on
4 the first day of October following. Said tax shall be a
5 lien on all the property of any such public service corpora-
6 tion herein taxed and takes precedence over all other liens
7 and encumbrances.

Sect. 6. Any public service corporation aggrieved by the
2 action of the Board of State Assessors through error or
3 mistake in determining the said tax, may apply for abate-
4 ment of any such excessive tax to the Board of State Asses-
5 sors on or before the first day of May in each year, and if,
6 upon hearing and examination, the tax appears to be ex-
7 cessive through such error or mistake, the Board of State

8 Assessors shall thereupon abate such excess and the amount
9 so abated shall be deducted from any tax due and unpaid
10 from such public service corporation, upon which the ex-
11 cessive tax was assessed, and if there is no such unpaid
12 tax, the Governor and Council shall draw a warrant for the
13 abatement to be paid from any money in the treasury not
14 otherwise appropriated.

Sect. 7. If the returns required by law in relation to such
2 public service corporation are found insufficient to furnish
3 the basis upon which the tax should be levied, the Public
4 Utilities Commission shall require such additional facts in
5 the returns as may be found necessary, and until such re-
6 turns are so required, or in default of such returns when
7 required, the Board of State Assessors shall act upon the
8 best information they may obtain. The Public Utilities
9 Commission shall have access to the books of any such
10 public service corporation to ascertain if such returns are
11 correctly made and any such public service corporation
12 operating any such public service corporation as defined
13 in Section 1 of this Act in the State, which refuses or
14 neglects to make returns required by law or to exhibit to
15 the Public Utilities Commission its books for the purposes
16 aforesaid, or makes returns which the President, Clerk,
17 Treasurer or other person certifying such returns knows to
18 be false, forfeits not less than one thousand dollars nor
19 more than ten thousand dollars, to be recovered by indict-
20 ment or by an action of debt in any county in which such
21 public service corporation conducts any of its service.