

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. 1258

H. D. 490

House of Representatives, March 30, 1925.

New draft substituted for original bill bearing same title, 500 copies ordered printed, and tabled by Mr. Wing of Auburn pending first reading. April 1, assigned.

CLYDE R. CHAPMAN, Clerk.

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
10 of its treasurer, the amount of the capital stock of the
11 corporation, both common and preferred; the number and
12 par value of the shares; a complete list of its shareholders,
13 with their places of residence, and the number of shares
14 belonging to 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 special
6 act of the Legislature or doing business in said state, oper-
7 ating any such public service corporation in this state under
8 lease or otherwise, shall pay to the treasurer of the State for
9 the use of the State an annual excise tax for the privi-
10 lege of exercising its franchises and the franchise of its
11 dams, power stations, power and transmission lines, switch-
12 boards and other property and which said annual excise tax
13 shall be in addition to all taxes upon such public service
14 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 gross income received there-
8 for and the Public Utilities Commission shall report the
9 same to the State Board of Assessors on or before the first
10 day of February following. •

The said tax shall be computed at four per cent of the
2 gross income as reported under the provisions of this act
3 and the tax against each public service corporation herein
4 described shall be four per cent of the gross income received
5 by said public service corporation during the preceding
6 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
5 Assessors on or before the first day of May in each year,

6 and if, upon hearing and examination, the tax appears to
7 be excessive through such error or mistake, the Board of
8 State Assessors shall thereupon abate such excess and the
9 amount so abated shall be deducted from any tax due and
10 unpaid from such public service corporation, upon which
11 the excessive tax was assessed, and if there is no such un-
12 paid tax, the Governor and Council shall draw a warrant
13 for the abatement to be paid from any money in the treas-
14 ury not 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 in
13 Section 1 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 \$50,000.