

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

House Document

No. 246

H. P. 919

House of Representatives, Feb. 22, 1927.

Referred to Committee on Taxation and 500 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-SEVEN

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, shall annually, between the first and fifteenth days of

9 April in each year, return to the secretary of state under
10 oath of its treasurer, the amount of the capital stock of
11 the corporation, both common and preferred; the number
12 and par value of the shares; a complete list of its share-
13 holders, with their places of residence, and the number of
14 shares belonging to each, on said first day of April.

Sect. 2. Every public service corporation as above defined
2 in section one, 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, operat-
7 ing any such public service corporation in this state under
8 lease or otherwise, shall pay to the treasurer of the state
9 for 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
13 tax 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 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.

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 re-
5 ceived by said public service corporation during the pre-
6 ceding 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 serv-
5 ice corporation upon which the said tax is levied.

Sect. 5. Said tax shall be payable to the treasurer of state
2 for the use of the state, one-half on the first day of July
3 next after the levy is made, and the other one-half on the
4 first day of October following. Said tax shall be a lien on
5 all the property of any such public service corporation here-
6 in taxed and takes precedence over all other liens and en-
7 cumbrances.

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 as-
5 sessors on or before the first day of May in each year, and
6 if, upon hearing and examination, the tax appears to be

7 excessive 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
13 the abatement to be paid from any money in the treasury
14 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 com-
9 mission shall have access to the books of any such public
10 service corporation to ascertain if such returns are cor-
11 rectly made and any such public service corporation op-
12 erating any such public service corporation as defined in
13 section one of this act in the state, which refuses or neg-
14 lects to make returns required by law or to exhibit to the
15 public utilities commission its books for the purposes afore-
16 said, or makes returns which the president, clerk, treasurer
17 or other person certifying such returns knows to be false,
18 forfeits not less than one thousand dollars nor more than
19 ten thousand dollars, to be recovered by indictment or by

20 an action of debt in any county in which such public serv-
21 ice 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.