

MAINE STATE LEGISLATURE

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EIGHTY - EIGHTH LEGISLATURE

Legislative Document

No. 724

H. P. 1588

House of Representatives, February 16, 1937.

Referred to Committee on Taxation. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Ellis of Castle Hill.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Imposing an Excise Tax on Corporations Supplying Electricity.

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

Sec. 1. Corporations liable to excise tax. Every public service corporation 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 in said state, operating any such public service corporation in this state, under lease or otherwise, shall pay to the state for the use of the state an annual excise tax for the privilege of exercising its franchises and the franchise of its dams, power stations, power and transmission lines, switchboards and other property, and which said annual excise tax shall be in addition to all taxes upon such public service corporations, their property or stock.

Sec. 2. Amount of tax. There is hereby levied and imposed an excise tax of $\frac{5}{10}$ of one mill upon each kilowatt hour of electricity or electric current sold and delivered to any person, firm or corporation within the state of Maine.

Sec. 3. Records; returns. Every such public utility corporation as defined in section 1 and under the jurisdiction of the public utilities commis-

sion shall keep a complete and accurate monthly record of all kilowatt hours of electricity manufactured or distributed in Maine. Such records shall be in such form and contain such other information as the public utilities commission may require. Every such public service corporation as hereinbefore defined shall, on or before the 30th day of each month, or at such other times as may be agreed upon with the state tax assessor, file with said assessor, a return on forms prescribed by said commission and furnished by it, stating the number of kilowatt hours of electricity manufactured or distributed in Maine during the preceding calendar month or such agreed period of time. Such return shall also set forth the number of kilowatt hours consumed during such period by the manufacturer for his or its own use and consumption within the state.

Sec. 4. Payment to treasurer of state. Each such public service corporation shall pay to the treasurer of state at the same time and with the filing of such return, the amount of the tax due under the provisions of section 2 hereof as so reported during the period covered by such return; provided, there shall be allowed as a credit against the total said tax, to be deducted by the public service corporation, the number of hours consumed by said corporation for its own use within the state for such period.

Sec. 5. Failure to file return. If such public service corporation fails to file the return hereinbefore required, or, having filed an incorrect or insufficient return, as the case may require, within 30 days after receipt of notice from the state tax assessor that a corrected or sufficient return is required, such corporation, within 20 days thereafter, shall file its amended return and make payment of the deficiency in its tax. In the event that it is found that the corporation has paid a sum larger than actually is due, it may deduct such overpayment from any subsequent remittance, and may file an amended return for the correction of such error.

Sec. 6. Access to records. The state tax assessor shall have access to the books and records of any such public service corporation in order to ascertain if the returns required by this act are correctly and properly made.

Sec. 7. Municipal corporations exempt. The provisions of this act shall not apply to municipal corporations selling electricity or electric current for power, heating, lighting, manufacturing, or mechanical purposes.