

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 725

H. P. 1589

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. Carleton of Alna.

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 treasurer of 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. Filing of returns. Every such public service corporation and under the jurisdiction of the public utilities commission, shall file with said public utilities commission on the 1st day of March in each year a statement under oath of the total number of kilowatt hours of electricity or electric current sold and delivered to any person, firm, or corporation dur-

ing the period of 12 months ending on December 31 next prior thereto, and the public utilities commission shall report the same to the state tax assessor on or before the 1st day of April following. The said tax shall be computed at 2 mills for each kilowatt hour of electricity or electric current sold and delivered to any person, firm, or corporation during said 12 months.

Sec. 3. Determination of tax. The state assessor on or before the 1st day of May in each year, shall determine the amount of such tax and report the same to the treasurer of state, who shall forthwith give notice thereof to the public service corporation upon which the said tax is levied.

Sec. 4. Tax payable. Said tax shall be payable to the treasurer of state for use of the state, $\frac{1}{2}$ on the 1st day of July next after the levy is made, and the other $\frac{1}{2}$ on the 1st day of October following. Said tax shall be a lien on all property of any such public service corporation, herein taxed and takes precedence over all other liens and encumbrances.

Sec. 5. Abatement. Any public service corporation aggrieved by the action of the state tax assessor through error or mistake, in determining the said tax, may apply for abatement of any such excessive tax to the state tax assessor on or before the 1st day of September in each year, and if upon hearing and examination, the tax appears to be excessive, through such error or mistake, the state tax assessor shall thereupon abate such excess and the amount so abated shall be deducted from any tax due and unpaid from such public service corporation, upon which the excessive tax was assessed, and if there is no such unpaid tax, the governor and council shall draw a warrant for the abatement to be paid from any money in the treasury not otherwise appropriated.

Sec. 6. Insufficient returns. If the returns required by law in relation to such public service corporation are found insufficient to furnish the basis upon which the tax should be levied, the public utilities commission shall require such additional facts in the returns as may be found necessary, and until such returns are so required, or in default of such returns when required, the state tax assessor shall act upon the best information he may obtain. The public utilities commission shall have access to the books of any such public service corporation, to ascertain if such returns are correctly made; and any such public service corporation in the state, which refuses or neglects to make returns required by law or to exhibit to the public utilities commission its books for the purpose aforesaid, or makes returns which the president, clerk, treasurer or other person certifying such returns knows to be false, forfeits not less than \$1000 nor more than

\$10,000, to be recovered by indictment or by an action of debt in any county in which such public service corporation conducts any of its service.

Sec. 7. Expenses of administration. From the monies paid into the state treasurer under the provisions of this act there shall be paid the expenses of administration of this act as determined by the governor and council.

Sec. 8. Corporations exempt. The provisions of sections 1 to 7 shall not apply to municipal corporations selling electricity or electric current for power, heating, lighting, manufacturing or mechanical purposes.