

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1957

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-eighth Legislature

1957

'Sec. 17. Public utility to furnish safe and reasonable facilities; charges reasonable and just. Every public utility is required to furnish safe, reasonable and adequate facilities. The rate, toll or charge, or any joint rate made, exacted, demanded or collected by any public utility for the conveyance or transportation of persons or property between points within this State, or for any heat, light, water or power produced, transmitted, delivered or furnished, or for any telephone or telegraph message conveyed, or for any service rendered or to be rendered in connection with any public utility, shall be just and reasonable. In determining just and reasonable rates, the Commission shall provide such revenues to the utility as may be required to perform its public service and to attract necessary capital on just and reasonable terms. Every unjust or unreasonable charge for such service is prohibited and declared unlawful.'

Sec. 2. R. S., c. 44, § 18, amended. Section 18 of chapter 44 of the Revised Statutes is hereby amended to read as follows:

'Sec. 18. Valuation of property made for fixing rates. In determining reasonable and just rates, tolls and charges, the Commission shall fix a reasonable value upon all the property of any public utility used or required to be used in its service to the public within the State and a fair return thereon. In fixing such reasonable value, the Commission shall give due consideration to evidence of the cost of the property when first devoted to public use, prudent acquisition cost to the utility, ~~current value thereof~~ less depreciation on each, and any other factors or evidence material and relevant thereto but such other factors shall not include current value. In making such valuation, the Commission may avail itself of any reports, records or other information available to it in the office of any state officer or board.'

Effective August 28, 1957

Chapter 401

AN ACT Relating to Construction Reserve Fund in Department of Finance and Administration.

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

R. S., c. 16, § 34-A, additional. Chapter 16 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 34-A, to read as follows:

'Construction Reserve Fund.

Sec. 34-A. Allocations from the construction reserve fund. Funds appropriated by the Legislature to the construction reserve fund may be allocated by the Governor, with the advice and consent of the Council, whenever:

- I. The Legislature makes specific recommendations for the use of funds appropriated to the construction reserve fund;
- II. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature;
- III. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor;

IV. It appears to be in the best interests of the State to acquire real estate or to have estimates, plans or specifications prepared for a project in advance of the date on which funds may be made available therefor by the Legislature, except that with respect to allocations from the construction reserve fund, no allocations shall be made for the purpose of acquiring real estate in any municipality until such time as the acquisition has been approved by the governing body of that municipality;

V. It appears to be necessary and in the best interests of the State to proceed with the construction of, or the purchase of equipment for, a project for which funds were not otherwise made available by the Legislature.

Any allocation of funds made by the Governor and Council under the provisions of this section shall constitute a continuous carrying account for the purposes designated by the Governor and Council. The State Controller is authorized to carry forward all such allocations to the succeeding fiscal year, provided work shall have begun by the letting of a contract or contracts or by actually starting the work during the year in which the allocation was made. Any balance remaining after the completion of the object of the allocation shall revert to the construction reserve fund.'

Effective August 28, 1957

Chapter 402

AN ACT Increasing Sales Tax.

Emergency preamble. Whereas, the essential needs of State Government require that additional revenue be raised by this Legislature; and

Whereas, the revenue to be collected under the provisions of this act may not be sufficient to provide for said needs during the next fiscal biennium unless the tax is imposed on retail sales made on and after the date of the beginning of the next fiscal year, namely, July 1, 1957; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

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

Sec. 1. R. S., c. 17, § 3, amended. The 1st sentence of section 3 of chapter 17 of the Revised Statutes is hereby amended to read as follows:

'A tax is imposed at the rate of ~~2%~~ 3% on the value of all tangible personal property, sold at retail in this State on and after July 1, 1957, measured by the sale price, except as in this chapter provided.'

Sec. 2. R. S., c. 17, § 4, amended. The 1st sentence of section 4 of chapter 17 of the Revised Statutes is hereby amended to read as follows:

'A tax is imposed on the storage, use or other consumption in this State of tangible personal property, purchased at retail sale on and after July 1, 1957, at the rate of ~~2%~~ 3% of the sale price.'