"Not Approved at Referendum"

EIGHTY-SIXTH LEGISLATURE

Legislative Document No. 811

I. B. No. 1 In Senate, Mar. 2, 1933.

Petitions ordered placed on file, the act I. B. No. 1 referred to Committee on Taxation and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT to Raise an Excise Tax on Corporations Organized for Making, Generating, Selling, Distributing and/or 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:

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

Sec. 2. Every public service corporation as above defined in section one 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 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 anual excise tax shall be in addition to all taxes upon such public service corporations, their property or stock.

Sec. 3. Every such public service corporation as defined in section one and under the jurisdiction of the public utilities commission, shall file with said public utilities commission on the first day of January 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 during the preceding twelve months and the gross operating revenue received therefor and the public utilities commission shall report the same to the state tax assessor on or before the first day of February following. The said tax shall be computed at two per cent of the gross operating revenue as reported under the provisions of sections one to eight, inclusive, and the tax against each public service corporation herein described shall be two per cent of the gross operating revenue received by said public service corporation during the preceding twelve months.

Sec. 4. The State tax assessor on or before the first day of April in each year, shall determine the amount of such tax and report the same to the treasurer of the state, who shall forthwith give notice thereof to the public service corporation upon which the said tax is levied.

Sec. 5. Said tax shall be payable to the treasurer of state for the use of the state, one-half on the first day of July next after the levy is made, and the other one-half on the first 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. 6. 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 first day of May 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. 7. 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, as defined in section one 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 one thousand dollars nor more than ten thousand dollars, 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. 8. 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. Annually on the first day of November in each year after this act shall become effective there shall be set aside, by order of the governor and council, such amount as shall be determined to be reasonably necessary to administer this act for the ensuing twelve months' period, and the remainder of the monies then standing to the credit of the fund created by this act shall be allocated to the several cities, towns and organized plantations of the state on the basis of the proportion which the total mileage of public roads and ways in said municipality shall bear to the total mileage of all public roads and ways within all the towns, cities and organized plantations within the state, and the said funds thus allocated as of November first in each year shall be credited or paid to the several cities, towns and organized plantations on the first day of December in each year.

Sec. 9. The provisions of sections one to eight shall not apply to municipal corporations selling electricity or electric current for power, heating, lighting, manufacturing or mechanical purposes and to corporations whose gross operating revenue from the sale of electricity or electric current as set forth in section three, does not exceed $50,000.

The petitioners request that the Governor call a special election in event a referendum shall become necessary.