

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

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KENNEBEC JOURNAL
AUGUSTA, MAINE

A roll call was had. Eleven Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with two Senators absent, the motion did not prevail.

Thereupon, Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed in non - concurrence.

Set down for concurrence.

House - As Amended

Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use. (H. P. 878) (L. D. 1121)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: There are certain parts of this bill that are good, but certain parts that are not good for the people of the State of Maine. I feel that for the farmer that has land adjoining a developed area, and his land is being assessed on a house lot basis, I think this bill would do some good regarding that point. However, for the developer who buys land with the intent of holding and developing it for future use, holding it for a higher price, I think the bill is wrong in that aspect. So, Mr. President, I am going to ask for indefinite postponement of his bill.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, now moves that Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use, be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook; Mr. President and Members of the Senate: Every bill that is presented before the legislature has some weaknesses, and every proposed legislation is not perfect, but I think that the advantages of this piece of legislation far outweigh the disadvantages. I certainly am opposed to any motion to indefinitely postpone this bill.

As far as speculation is concerned, it is true that possibly it

could be taken advantage of, but, as I say, the advantages far outweigh the disadvantages, and I would hope that we go along and pass this bill.

Over the years farmers in Maine have shared with farmers everywhere in the country an increasing concern that a way be found to avoid being forced to sell their farms by tax assessing policies applied by the governing bodies. I don't think that we should try to kill the goose that lays the golden egg. I think the farmers in the State of Maine are assuming a great proportion of the tax, as I have said here before in this Senate, agriculture is our basic industry, and I think our whole economy in the State of Maine is based upon the farmers and the agricultural industry. I think that this bill gives the farmer an opportunity to survive and live, and continue farming without having to be forced to sell his farm because, if we are to assess on the basis of speculation or a false value, you are going to force the farmers in the State of Maine to sell their farms and get out of farming, and we need them to continue to produce the food for the people of the State of Maine. It is true that most of our farms are along Maine highways and Maine development areas, and there is an amendment already presented in the other body which has been accepted, which I think takes care of any objections we might have to this bill. I would hope that members of this Senate would take a good look at this bill and oppose the motion to indefinitely postpone it.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Would the Secretary advise us of the filing number of the House Amendment, please?

The SECRETARY: Filing No. H-550.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I can't speak very eloquently on this bill, except I

would just like to say that I think it is a good bill and I oppose the motion to indefinitely postpone it. I discussed it with the good Senator from Piscataquis, Senator Martin, yesterday, and I understand that it probably isn't a perfect bill, but there are farmers in my district who would be affected. They have land, they are using it for farm purposes, and they are not holding it so that the value will increase so they could sell the lots off in ten or twenty years and make a lot of money. It is land that is used for farm purposes and they feel it should be taxed as it is used. If it were taxed as it were zoned it would put a great hardship on them, and my heart goes out to these farmers. They work hard and there is no subterfuge there. They are not trying to hold out, to hold these lots, so they can get rich later. They are just using it for that one purpose. I think that this is good legislation, and I hope that you will vote against the motion.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Reviewing this document, I note that it is not limited to farmers and agricultural lands, but Sections two and three refer to open space lands which are used for recreation or the enjoyment of scenic or natural beauty.

Now, we are concerned with a constitutional amendment here. Once this amendment is adopted, if there are abuses in this area, and I can anticipate many, it will be next to impossible to change this law because it requires a two-thirds vote and a referendum. I do not believe that legislation of this nature should be enacted in the form of a constitutional amendment, although I do appreciate one of the ways it can be done is through a constitutional amendment. If this were a statutory provision, which could be exposed to amendment or possibly repealed at a later session, I could see that possibly we ought to consider it, but this is a constitutional amendment which, as you know, would be very difficult to amend at a later date.

I fail to see why there is any need for the language in Section 2. If we are concerned with preserving and protecting the farmers in this state, that first sentence would be adequate and sufficient to meet that need, but I do not believe that Sections 2 and 3 serve any purpose, and could be abused, and will be abused, by land speculators.

We all know that there are many people who purchase property today for the sole purpose of selling it at a later date at a higher price. I do not believe that this is true of the farmers. It may occur occasionally, but we do know that Maine is being exposed today to land speculators, that we have large tracts of land that are being purchased throughout the State for the sole purpose of resale at a higher price.

Unless this bill can be amended in some form, I would have to support the pending motion. If it were amended and limited solely to farm and agricultural lands, that would meet with my approval, but in the present form I could not support the bill because, again, we are protecting those who are coming to Maine and those who are in Maine for the sole purpose of speculating and benefitting from the land appreciation.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am all in sympathy with the farmers, however, this is a local assessment problem. I believe that the local assessors, can use their judgment, and if the farm is used for farmland it should be assessed on a acreage basis.

If a developer comes in and buys a parcel of land, whether it is on a farm adjoining the urban area of a town that is being developed into house lots and construction is going on, or whether it is on the shore of a pond, this is broader than just being a bill for the farmer. It ties up the land on the shore of a pond that could be assessed or would be assessed as shore property for cottage lots. This bill, if passed, would place this shore property on an acreage

basis with a lesser assessed value than on the lot basis, and this is what is bad about it.

I really don't think there is any way to amend this bill and word it so that it will help the farmers alone. You can classify a piece of land as being owned by a farmer, and it could be owned by somebody else with the intent of selling it at a higher price. This is a local problem and I think the local assessors can handle it very well.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I rise to oppose the pending motion. I think that this bill to assess according to current use is a fair and proper method of assessment. Now, they talk about future developments. I don't think a piece of property should be assessed at potential future use until it gets into that use. If it is going to get into a development, then let it be assessed accordingly. This doesn't freeze it at present use. As present use changes, the assessment will change. I think that this is a fair bill.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I have been confused because of the use of the word "bill" here. It is a Constitutional Amendment, and it seems to me that what the Constitutional Amendment seeks to do is to give a greater latitude to future legislatures for meeting the problems that will develop. I would pose a question through the Chair to the Senator from Piscataquis Senator Martin. I can understand his misgivings of a blanket authority to put property into what amounts to bank in escrow as against a future sale at substantially increased prices, but is it not a fact that this constitutional amendment merely says that as conditions change, and as future legislatures meet, that they will have the authority to meet these changes and meet the new conditions without running smack up against a constitutional prohibition?

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: On reading the bill, it appears to me that the language of it gives the legislature the powers to provide for assessment and, as Senator Katz has pointed out does not circumscribe the area within which the legislature can operate. This was a point made by Senator Beliveau, which I considered an excellent point. Also, I have a feeling that this bill is only going to legalize what is the current assessing practice throughout the State. Consequently, it seems to me, with the freedom enjoyed here, and the fact that this is practically what we are doing now, unless there are some other objections, I think the bill in this form is a pretty good bill.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: This is another one of those bills that I am somewhat at a loss on, myself. I certainly sympathize with the basic aims here, and yet I am very skeptical of a constitutional amendment such as this. I guess I was brought up with the idea that the only good tax was a low tax, and I think this is one of the problems that we are having, the high property tax.

The way to solve this problem is not in the sense of a constitutional amendment, I feel, but having a more realistic property tax than we now have. I come from a coastal area and I represent coastal communities, and I have had more calls from people who are upset by the recent revaluation of shore property. The towns are now being forced into this simply because of school subsidies. If you go along and take these places like Boothbay, Southport, West Bath, Phippsburg, and so on and so forth, and the State assesses that land at a very high

value, then you base school subsidy payments on it, which is fifty per cent or sixty per cent of their budget, and cut them accordingly, then the assessors are going to turn right around and assess this land at approximately the same value that the State has. People have called up and wanted to know if they could give it to the State because they are reluctant to have development. I feel that way myself, I hate to see the coast become an Old Orchard Beach from Kittery to Calais, and I don't know what the answer is, whether it can be done through zoning, whether this is necessary or not. But I do feel that there is a real problem here. I don't know about the farmers so much, but as far as along the coast of Maine there is a serious problem as far as development is concerned.

I sympathize with the people who are reluctant to go along with this because of the speculators. I know people are buying up coastal property simply because of speculation and what they feel will be over the next few years a tremendous increase in the cost of coastal property, and certainly we shouldn't pass a law that helps them make money. I guess all I am saying is I don't know what the answer is, but I hope there is one somewhere along the line.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Thereupon, on motion by Mr. Beliveau of Oxford, retabled until later in today's session, pending the motion by Mr. Martin of Piscataquis that the Resolve be Indefinitely Postponed.

Senate

Bill, "An Act Relating to Assistance to Municipal Assessors." (S. P. 518) (L. D. 1605)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to an Aeronautical Director, Pro-

viding for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund. (S. P. 383) (L. D. 1356)

On motion by Mr. Sewall of Penobscot, tabled until later in today's session, pending Enactment.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I would inquire if the Joint Order that we passed yesterday relative to the recall of 1604, which has to do with "An Act Relating to Property Tax Administration", is in the hands of the Senate?

The PRESIDENT: The Chair would answer in the affirmative, the paper having been held at the request of the Senator.

Mr. WYMAN: Mr. President, I now move we reconsider our action whereby we passed this order.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that the Senate reconsider its action whereby Senate Paper 527 received passage.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I rise in opposition to the motion to reconsider. This is a vehicle which had previously been before us which many members of both houses would like to get back in order to use, very frankly, as a vehicle for the imposition of an increased wildlands tax if the legislature so desires.

I have not been emotionally involved in the question of the wildlands tax, but many members of both houses have expressed an interest in at least debating this, and I think that these people should have their day in court. This is purely and simply the reason for this Joint Order. If you are in favor of at least discussing an increased wildlands tax you will vote against the motion to reconsider. On the other hand, if you are opposed to even permitting the legislature to discuss this question, you will vote in favor of the motion to reconsider.

I personally have a feeling of commitment that the many people