

MAINE STATE LEGISLATURE

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House of Representatives
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State of Maine

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Representative CUMMINGS of Portland moved that the Bill be **TABLED** until later in today's session pending **PASSAGE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

(H.P. 224) (L.D. 299)

ACCEPTED and **READ** the second time.

Representative CUMMINGS of Portland moved that the Bill be **TABLED** until later in today's session pending **PASSAGE**.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was tabled earlier in today's session:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

(H.P. 224) (L.D. 299)

Which was **TABLED** by Representative CUMMINGS of Portland pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I am very eager to speak in favor of this unanimous committee report regarding a Constitutional Amendment to allow current use valuation for waterfront. In speaking in favor of this, I'm going to refer to two phrases that I hear often that irritate the heck out of me. They both come into play in this situation.

The first is when natural resource based industries are referred to as mature. In my mind, mature means you're done growing, you're stagnant, nothing new is going to happen. I would beg to differ with that description. Looking at farming, forestry, and fisheries, who would have thought five, ten years ago that Ostrich, Buffalo, organic catnip, and organic meats and milk would be a part of farming in Maine.

Looking at forestry and wood products, we've gone from plywood to oriented strand board, to LVL. We have framing timbers that are made from woodchips and resin, and we have decking that's made from a combination of sawdust and plastic.

Looking at fisheries, who would have thought five years ago Sea Urchins and Sea Cucumbers would have been hot items. These industries are not mature, they are our heritage industries, but they are still very vital and quite capable of growth.

The second term that irritates me is highest and best use when we talk about land valuation. There are most expensive uses that are not necessarily the highest and best uses. Perhaps the highest and best use of certain parcels of land is to grow trees, to grow strawberries, to raise dairy cows. Perhaps the highest and best use of a certain parcel is to provide water access and infrastructure for the entire fisheries industry.

Both of these phrases come together when we're discussing this issue. Currently there are constitutional provisions, which allow for current use valuation for farmland, and open space, and forestland. It is right and appropriate to provide the working waterfront with the same current use valuation. In closing, I would just ask for your vote in support of LD 299, and allow our working fishermen to continue to be positioned on the land that they need in order to keep this vital, diverse heritage industry to continue growing in Maine. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Constitutional Resolution that's before us, proposing an Amendment to the Constitution to permit the Legislature to allow the current use valuation of waterfront land used for, or that supports commercial fishing activities. We have been discussing this in the last few days, and this would reach more broadly than just simply a commercial fishing pier, but would assist other support businesses in the industry, whether it be a chandlery or a boatbuilding business, and so forth.

As some of you know, I've been around the commercial fishing industry in Maine for about three decades, and in the interest of full disclosure, I own no waterfront land that would benefit from this Constitutional Amendment, but like the Good Representative who spoke earlier said, it's not correct to think of the commercial fishing industry as an industry that's on its way out. In fact, it's an industry that's changed tremendously in the five or six hundred years that it's been prosecuted here in Maine. But one of the things that is changing significantly, and perhaps becoming lost forever, is access to the waterfront by our commercial fishermen, and it is a particularly important thing to have if you have a boat, because there's really very few ways to get there, otherwise. And what we've seen is, up and down the coast, particularly in Western Maine, the loss of this access through development pressures that allow these properties to be sold for something other than commercial fishing use. And unlike open space, which we've protected over the years with tax deferrals, or tree growth, in the commercial fishing industry, this kind of tax protection has not become available up to this point. In the 119th Legislature, a similar Constitutional Amendment was sent out to the voters and unfortunately, narrowly defeated. And since that time a coalition of interests, known as the Working Waterfront Coalition, have been attempting to rekindle and restore a series of tools that municipalities could employ in their communities to assist the maintenance of the access that the commercial fishing industry needs.

In Maine today -- of course there always has been -- 7 thousand miles of coastline. And only about twenty-five miles of that supports working waterfronts, as they're called today, and only about seventeen miles of that amount directly supports commercial fishing. So this is an access problem statewide. We're losing access in the mid coast and the eastern parts of the communities for this industry which, in fact, does have a future because even though you read in the newspapers that we're in a business that is in decline, in fact we're restoring fisheries and there are more and more opportunities for people in this business every day, and it is not, as the Good Representative Smith spoke a few minutes ago, an industry in decline. It's an industry in change with a tremendous amount of potential, and sending this Constitutional Amendment out to the voters will significantly assist that industry to survive going forward, and our boat builders, and some of the ancillary industries that support commercial fishing.

There are many communities in Maine that are down to a single wharf or a single access point for the fishermen in their communities, and as I said earlier, in the southwest there's very little access left. Some of these folks have had to move inshore and go overland to prosecute their businesses.

Current use taxation for commercial fishing land creates parity between this industry and other traditional industries. As was said a minute ago; forestry and farmland, both, benefit from the opportunity to tax land at a current use value. And, of course, that's a tax deferral. When that property changes hands down

the road and is put into some other use, that tax deferral is made up by the buyer, so the municipalities could eventually become whole for the taxes that they defer in support of this amendment. And, again, this is just one tool that this working Waterfront Group has been promoting in the Legislature. There will be additional opportunities to discuss a bond issue, and a marine research bond in support of our commercial fishing industry. So I know not all of you are coastal folks, but I really would love to have your support today and let's see if we can send this out to the voters. Thank you for the opportunity to speak today, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I do not normally support changes to the Constitution of the State of Maine. I think very hard and long when I go into the voting polls. I try and do my homework, even before I was in the Legislature, as to the long-term effects of this.

Today, we have the opportunity to set Maine back on a course that it once held, and held with great esteem. We can protect our working waterfronts. They are slowly and surely, as it stands today, leaving us, much like the lumber industry left us, the shoe industry left us, the farming and agricultural communities in this state were in dire straits. This Constitutional Amendment will take a negative and make it a very, very positive thing for everyone in Maine. That you don't live in a coastal community should not enter into this. I do not live in a coastal community, but everything that happens on every working waterfront in this state affects me, and every citizen of the State of Maine. This needs to happen and it needs to happen now. And if we pass this and send it out to the voters, the voters are going to say, For once they managed to look to the future. Because if we forget for one minute in our life where we came from, we have no idea where we're going in the future. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I also would like to lend my support to this Constitutional Amendment proposal. I live some distance from the coast, and I have no genuine interest, for any personal gain, to make this statement. I just feel that I would like to continue to see the Seaman on the Maine Seal, the Maine Emblem. And without some kind of protection, that could go away. I think we have in law right now templates to follow to develop a current use model that will work for working waterfronts, through the Tree Growth, and through Farm and Open Space Law, and Wildlife Control -- Management Area Control, and with those templates in place, and seem to be working very fine, we can develop a plan that will do the same thing for waterfronts. And so I would encourage all to support this kind of amendment. Thank you.

Subsequently, the Resolution was **PASSED BE TO ENGROSSED**.

Sent for concurrence.

The Chair laid before the House the following item which was tabled earlier in today's session:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability To Pay

(H.P. 222) (L.D. 297)

Which was **TABLED** by Representative CUMMINGS of Portland pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Ladies and Gentlemen of the House. This bill would be a Constitutional Amendment that would allow at a local community's option the possibility of creating a local Circuit Breaker Program. Now many of us in this Chamber have identified the Circuit Breaker Program or the Property Tax and Rent Refund Program, as a program that's extremely useful in providing property tax relief and rent relief to residents in Maine who have the greatest burden of property taxes.

We believe it's a good program at targeting relief where it's needed most. In some communities in Maine, however, the level of the benefits in the Circuit Breaker Program that the state provides aren't enough to deal with the property tax burdens that some residents within those communities are feeling. This was true in my community in Yarmouth, and we implemented for a year our own Circuit Breaker Program that enhanced the benefits that could be provided at the state level. This was important in my community because of the very high valuations of some property in my community, and the unaffordable property taxes that resulted.

The Circuit Breaker Program that the state provided wasn't enough to deal with our issue. Portland found that it was interested in creating a similar sort of program in Portland, and that was challenged in the courts. They found that they were unable to do it, and as a result of that we canceled ours as well. The purpose of this bill is to just make it possible for local communities to implement their own Circuit Breaker type program if they choose to. I believe this would be a benefit to certain communities in dealing with their property tax problem, and I urge your support for passage of this amendment. Thank you.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I'll have a hard time supporting this because I think it goes against the Constitutional Rights for the state to determine taxation, and not for local communities to have that option. So I will be voting against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Ladies and Gentlemen of the House. I just also wanted to point out that this was a unanimous recommendation of our Joint Select Committee. As part of our overall package, it was a unanimous recommendation that we pass this Constitutional Amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. A wonderful report from the committee, yesterday we passed LD 1. That's part of the property tax package, and the wonderful thing about watching that committee work was the other tools that they have offered us to use to help our small rural communities. How many of us go out on the streets, and we hear from people constantly, How come somebody gets taxed this way and I get taxed that way? And we explain that's the way the Constitution is written, that's the way the Constitution is written. Isn't it about time that we invite a conversation with our