

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

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January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

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ABSENT — Brennan, Bunker, Carrier, Cottrell, Couture, Cox, Curran, Cushing, D'Alfonso, Danton, Dennett, Dyar, Emery, Erickson, Evans, Faucher, Foster, Gilbert, Haskell, Jalbert, Jameson, Jutras, Lewis, Mitchell, Rocheleau, Santoro, Sheltra, Tanguay, Williams.

Yes, 42; No, 79; Absent, 29.

The SPEAKER: Forty - two having voted in the affirmative and seventy - nine in the negative, the motion does not prevail.

The Chair laid before the House the seventh item of Unfinished Business:

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 1271) (L. D. 1600)

Tabled — June 18, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the first tabled and today assigned matter:

Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121) (Committee Amendment "A" H-512 adopted)

Tabled — June 18, by Mr. Harri-man of Hollis.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I shall try to be brief on this document this afternoon because I have received a communication from the Bureau of Taxation for which I had inquired as to what this possible bill would be doing.

Now this bill, as indicated by the Bureau of Taxation, would pose certain problems that he feels might be very detrimental to the people of the State of Maine. And I will read briefly what the Bureau has for this document.

I think they are well summarized in the attached material which I have taken from pages 49 and 50 of the March 1969 issue of Assessors Newsletter, published by the International Association of Assessing Officers. These pages constitute a portion of a summary of the recommendations of the National Commission on Urban Problems, which has been reprinted from the "Urban Affairs Reporter," published by Commerce Clearing House of Chicago.

If you will read the comments under recommendation 6(c), and particularly those beginning at the top of page 50, I think you will obtain a good idea of the fallacies and pitfalls involved in the proposal.

The proponents of the proposal appear to base their case upon the argument that it is desirable from the point of view of society at large to encourage the current use of certain types of real estate. If this is true, the sensible approach would appear to be to limit the potential use of such property by

law, as by zoning, rather than (in the words of the attached article) by use of "the taxing power to bias and delay the effect of normal market forces in determining the economically best use of land." In short, if control of the use of certain real estate is justifiable and beneficial from the point of view of the general public, the proper way to insure such use is by enforceable land use regulation, and not through manipulation of taxes. The desired tax result would automatically follow the imposition of public controls over use.

And in a part of the article that is published as indicated in the recommendation by the Bureau of Taxation, "We also strongly urge that the states retain and apply, without impairment, the long established and generally accepted legal principle that property subject to general property taxation should be assessed as uniformly as possible in relation to its market value, irrespective of the income status of particular property owners and of the past or present income yield of particular pieces or types of property."

And on page 50, as indicated by the Bureau of Taxation it poses even more serious problems to the municipalities in the State. Without going into the long dissertation of a page and a half of the document I bring this to your attention, that is the feeling of the Bureau of Taxation and my own personal feeling that this is a very bad piece of legislation in its present form.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I haven't — I wasn't really prepared about this. I didn't get any letter from Chicago or anything like that but you know the farmers have a stake in this.

What's beer goin' on the last few years, a fella rides by and he gets out of his sedan and he comes back and he wants to buy a piece of land off a ya' and he offers ya' — he probably hasn't got money enough for 15 cents for a package of cigarettes, but he offers ya' some big kind of a price and you refuse and he runs down to the

assessor and he says, "So and so won't sell his land. I just offered him a big amount of money." Of course they don't fool me that way because if they offer me anything, friends, I tell them the truth. I say, "If you pay me that and it's a lot more than what it is worth" — and maybe I would start drinking rum and chasing women or something like that. So I don't ever leave myself open.

So I wish very much that you would vote for engrossing this bill and move it along. We certainly need it out in the country because the last few years people have been coming along offering big amounts of money for land for a super-market and maybe a beer parlor or something like that that you don't want no truck with at all.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I hesitate to be aligned with the rum drinkers and women chasers and I certainly and seriously do sympathize very much with what is a real and significant problem on the part of our farmers. However, I wonder if there isn't some type of change that can be made to give justified relief to real property taxes for our farming population without ending up in a bonanza for people that are very far from farmers and very far from small farmers.

If this legislation provided for special valuations on the family farm, say of a value of under \$50,000 or so which I think would be quite generous, I could go along with it because I know there is a problem and I know that people are forced off their land in part by taxes. On the other hand, I know in other states there have been attempts along these lines and it has ended up as being a bonanza for speculators who in effect are subsidized by the public through a reduction in their taxes and to keeping land off the market, and so the price increases year after year and they are the beneficiaries of a public subsidy. If the price gets up high, they have been able to hold on to it because they pay very low taxes using the

land at the lowest possible use and then they make a killing — a financial killing — at the expense of the public in future years.

I understand this has happened in the State of Florida under legislation which is similar to this proposed amendment. Many bills and concepts which start out as very good ideas — for example the Federal Farm Subsidy Program, which I think was intended to help the small and medium sized farmer, end up as a bonanza for the large speculator. There is cost involved. I don't know how much, but there obviously is very significant cost involved in this. Again sympathizing with the farmer but not with the speculator, I would say that the taxes not paid by the speculator will have to be paid by you and me and the ordinary people in this State.

For this reason I oppose this proposed amendment in its present form.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: This bill proposes an amendment to the Constitution so that the next legislature could take whatever action is necessary to set up control of taxes on any type of farm or wood lands in the State of Maine. You have all seen in the past few years some very extraordinary things happen on tax values, on some farm lands, on some woodlots. This does not at the present time change anything at all except that if it is passed it would allow this Legislature or rather the next Legislature to take any action that they felt was necessary.

I hope that you will go ahead and engross this bill.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I am not prepared to speak at length on this but I will point out to the Legislature that in Connecticut, Massachusetts and New Hampshire, in New Hampshire particularly, last year such a resolve to change the Constitution

was provided and then they had a law that did what Mr. Kelley said. Now in Connecticut this law is called the "Green Acres Law", and it is a conservation effort there to save land that is valuable from the point of view of not having to be sold but if you do sell and develop it you have a ten year back tax that you have to pay, but otherwise many people were being forced to sell their land who did not want to because of the high tax valuation on it.

We now see in many instances here in our own State where there are areas that we want to preserve but we have to go and buy them back to do this. This way you would keep land not sold but it would be conserved as a green acres area.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I believe that the gentleman from Madawaska, Mr. Levesque was talking about a different bill, the specific bill that outlines specific things that they wanted to do. But we couldn't consider this even, so this bill was withdrawn. The L. D. number on it was 1078.

Now this particular item we are considering this afternoon is just a constitutional amendment which would allow the next Legislature to take any action that they might deem proper at that time. We would not be doing any of these things today, but if they wanted to then, they could; right now they can't because of the constitutional limitations.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In reference to Mr. Ross's remark, the reference is made here on L. D. 1121, House Paper 877, Ernest H. Johnson, State Tax Assessor, and the problem that I have encountered, I not being a professional in the tax assessing field, could not decipher just exactly what this was going to do in the future. So Mr. Johnson, being in the tax assessing business for a good many years of his life,

has indicated in the first paragraph that I did not read in the beginning.

"L. D. 1121 simply proposes a constitutional amendment which would permit the Legislature at some later date to provide for the taxation of certain real estate on the basis of current use rather than on the basis of market value. The problem which would be posed by such a departure from the present basis of property taxation is very very serious."

Now this comes from a person that is knowledgeable in the field of taxation and I assume that he knew what he was talking about. So I believe that this piece of legislation which proposes a constitutional amendment is not the thing that we need at this session of the Legislature.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: With some trepidation I quote from the same source as Mr. Levesque. This is from Ernest H. Johnson, State Tax Assessor, dated October 23, 1968.

"To owners of property taxable in Edmunds, Marion and Trescott Townships, Washington County.

During the past summer a reappraisal has been made of all land and buildings in these townships in order to recognize present values and thus equalize taxes. The attached list shows the 1966 State Valuation, the ownerships and acreages, and the proposed 1968 State Valuation" — and this by the way is what is now in effect and what school subsidies are based on and many of our road projects and this sort of thing, "the current ownerships and acreages, if different. Also shown is the ownership of buildings on leased land" — and I will skip some down here, and then he goes on to say that this "reflects a conservative estimate of ½ of the current worth of the properties."

Now I would like to point out to you a couple of things that this gentleman, and who some people have called a bureaucrat has done. Now this is not a farmer, this happens to be a fisherman that is in-

volved here, that has a fishing privilege off of a small woodlot, which by the way you have to walk about three miles to get to, and this is 120 acres, and in 1966 this property was valued at \$450 and our good gentleman from the Taxation Department now says in 1968 that that same piece of property is worth \$21,740, and this is one half the valuation. Now I don't know what corner of Broadway he found that piece of property on. It is a little difficult to understand.

Now I will turn to give you an example of a farmer. Here is a farmer who milks around 100 cows — I wish I could tell this the way Mr. Hunter might do this but I can't. Here is a farmer that milks 100 cows and has a farm woodlot and now he has 777 acres. In 1966 this 700 acres plus was valued at \$4430. In 1968 this was valued at \$50,250. And here again this is one half the value that the State Tax Assessor puts on this property.

I wish that Washington County was half as valuable as Mr. Johnson thinks it is. I think we better go along with this bill and do some more study for the next legislature.

Mr. Susi of Pittsfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-550) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: So as to — at least to attempt to eliminate any possible confusion about what this is all about, this does, as previous speakers have said, propose an amendment to the Constitution which would allow for valuing lands for taxation at current use. Now this would be a change to this extent, that under the Constitution now, tax assessors assessing for tax purposes are specifically charged with assessing on the basis of highest and best use.

Now this is getting to be — I think there are two elements here in Maine right now that are contributing to this problem. One, there are people coming and offering to purchase land which is being used

for forest land or farm land and which has a certain value at that use to use it for other purposes, usually recreational purposes, and for that purpose they are willing to give considerably more for this land than in the past the land had been thought to be worth. That is one element of the problem.

The other element of the problem is this inordinately high amount of revenue that we are attempting to derive from the property tax. Year after year we are boosting our property taxes and attempting to get more and more money from it so that the fellow who is a farmer or who has land which he has thought of as woodland and it is assessed at its value for recreational purposes, when you apply the current property tax rate, he has got a real problem. So the pressure builds up and in many instances it is certainly warranted and legislation such as this is offered to us here.

I have first hand acquaintance with a situation which I think is quite typical of what we are talking about. Interstate 95 goes through the Town of Pittsfield, a fellow has a little farm, it goes through a piece of pasture, and when they build the highway they fence along the highway, so he continues to use it for pasture. There is a juncture of about ten acres and he keeps a few sheep in there that are worth maybe a couple hundred dollars and the assessors come and he says this is pasture. The assessors know better. They assess it for around five thousand bucks and so they get forty or fifty dollars of taxes out of it and he squeals that they are putting — Well, now I know from private conversation with the man that he has been offered between forty and fifty thousand dollars for it now and he has told me privately that he will take \$75,000 for it.

Now if this were adopted, this amendment to the Constitution, and if our Legislature, two years from now when the problem is going to be just as great or greater, should enact legislation which would allow the assessors to assess for current use, he would in fact be using this land for a

pasture and for that purpose it is worth perhaps \$50 an acre, ten acres \$500, he gets by with a \$20 tax while year after year the value of this piece of land is going up, it may in two years be worth the 75 or even 100 thousand dollars.

Now this is a good solution for him. You look at the man — this is the problem, you can't tell from looking at this man who looks like any farmer you ever saw that he is in fact a speculator so far as this particular piece of land is concerned. It is only in intimate conversation with him that you learn that his real motives are speculation. He claims a love for these ten sheep. He actually loves the buck just the same as the rest of us do. And this raises a serious problem and a reservation in my mind about opening the door. It is true, this doesn't put it into law, but it makes it possible later for a law to be enacted which would make this change in the assessing process possible.

Now I just offered a House Amendment and the provision in the amendment is briefly the local option. If you are thinking favorably of approving the adoption of this resolve, which will have an effect on the voters if the legislature does approve a resolve going out to the people, if we are worth our salt this should influence their thinking. So I don't think we can say that, well, the people are going to solve these problems for us. I think we have a responsibility to make a recommendation in one direction or another on this.

And if you adopt the amendment and then go ahead and approve this legislation, it would be up to the local community to either adopt this method or to retain the highest and best use or method of assessing. This is very important to the communities because there are communities that are going to lose substantial amounts of revenue if current use rather than highest or best use is used for assessing. It will reduce their revenues considerably on certain properties. So I think it warrants your consideration. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I have heard the farmers mentioned, and my good friend Mr. Donaghy brought out the fisherman a little bit, but I do hope that people realize that in order for a fisherman to fish he has got to get to the shore. He has to have an opportunity to get his traps down and so forth.

I think back to some years ago when — and I can't imitate my good friend Mr. Hunter, I wish I could as far as the fisherman is concerned, but some years ago a fisherman came into a lobster dealer's office in the Town of Stonington. He was paid the going price for his lobsters, less his bait and his gasoline. He looked down at his hard at what he had received and he looked back at the dealer and he said, "Gosh, if you only sold hardtack and a little salt pork, you wouldn't have to pay us poor buggers anything." And when I go up to the First National and notice the price on the lobster tank up there of \$1.49 and then look at what the fishermen are getting back home, I know who is making the money and how much they are getting.

I think perhaps Mr. Susi has brought out a point too, because I have a town in my district that has a very wealthy woman who has bought a considerable amount of land and it cost the town \$3,500 to collect the taxes from her because she had put that land, to spite the town and to spite the town only, into a game preserve. Any frankly and truthfully, I have got much more sympathy for taxing a game preserve of this nature than I have taxing a man who is trying to make a living.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Fortier.

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry that I do not recall the L. D. of a particular bill which it seems to me that we have already approved this session, that would limit the taxation of any parcel of property to the maximum legal or zoned use of that property. Consequently, it seems to me that any municipality could

protect their farmers or fishermen or anyone else that they might want to protect. I am not a fisherman and do not know too much about the fishing industry, but it sometimes strikes me as a little bit odd that a fisherman would need a parcel of land from which to launch his boats that has 120 acres of woodland.

I think that this opens an avenue that could be a lot of trouble. For example, I can quote a case in my own town where one particular individual whose father used to be a farmer. He has never done any farming in his life, he owns about 300 acres which borders on a state highway. To my last recollection, he had three cows which he hired somebody to take care of and he has always argued with the assessors that these 300 acres are all pasture land.

I have also been told of another situation where a man has close to a thousand acres of timberland on which there happens to be a little lake. He and two members of his family have built expensive cottages and summer homes on that lake. He refuses to sell any of it and he insists that this is all timberland and cannot be assessed as recreational property. It seems here that we are getting into something that could be very complicated, and there are plenty of laws to protect the farmer, the fisherman or anyone in that situation.

I would also like to recall to the House that at the hearing in the Taxation Committee on this bill, we had practically the same old story that we have heard here quite a number of times, about this pitiful old widow who is only worth \$100,000. In this case I believe that the case that was brought up, the poor old widow lived in a house that was only worth somewhere between \$50,000 and \$75,000. Now even in that case, if the town saw fit, they could by zoning protect the poor old widow, but I do not believe that it would be good legislation to gamble the valuations of all the other municipalities in the state.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I don't care to debate the gentleman, Mr. Fortier, but I would point out that the fishing industry has other problems besides getting to the water. I think that my good friend Mr. Richardson was referring to lobstermen. The fishing down our way happens to be weir fishing for sardines or herring and it does require protection of a certain amount of shore front in order to fish. And actually I don't know how the towns can protect anyone in this particular situation because these are unorganized townships, and Mr. Johnson is the law, order, judge, jury, what have you.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I have no particular qualms with the amendment because I don't think it is going to correct the bill to any great extent that is presently before us. But in relation to the remarks made by the gentleman from Lubec, Mr. Donaghy, that Mr. Johnson is the last final judge and jury of anything that happens in the Bureau of Taxation, is a little bit erroneous, in my humble estimation, because I think probably any person that has had to do with the Bureau of Taxation and felt that he was unjustly dealt with, I think there are enough laws in the books now that provide enough appeals that people that have information that the Bureau of Taxation might have been wrong, including Mr. Johnson, that the door has always been open and that they can always appeal to the Bureau of Taxation under our present laws.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley:

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: Many of these problems, like very valuable sheep pastures and such places that have been mentioned, would all be taken care of by wise legislation that we hope future legislatures would write.

I would like to find out if there are many other states in the United States that are doing this

sort of thing because they have recognized the fact that sometimes unduly high taxes can force land into use that possibly is not the best future use for that land. Maine is a vacation land. Maine is a paper country. Our forest lands are of extreme importance.

I had a three hour speech that I will not deliver, but let me tell you one little incidence, it is the type of thing that I hope proper legislation could take care of. Down in the area just south of us, in the Towns of Dresden and Alna, there are a lot of grown up farms, lumber lots and one thing or another. These towns have had school problems. They have had to raise more money. The woodland taxes have gone up just sky high. The owners have been forced to sell off their stumpage and abandon the land or sell it for anything they could get because they no longer could continue to own it. The wood operators have gone in and they have just cleaned everything off the land, they have left a shambles. This is not good in the long-range picture. You are not producing the most wood per acre that could be produced. You are not protecting your streams, your land surface and all the rest of it. And believe me, if we are going to protect the goose that lays the golden egg, which is our forests, our farms and the majority of the lands in the State of Maine, wise legislation is needed in the near future. This legislation, under our existing Constitution, cannot be written.

The State of Washington used the exact wording of this proposal in the change to their Constitution. They followed it up with laws, with many many provisions in it to protect the people from the speculators. We must do something to protect the goose that lays the golden egg, and I hope that you will favor this bill.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to point out to the House that during the hearings last winter a Mr. Ledew from the Taxa-

tion Department, one of the two men, I might say, who reassessed the 495 towns in the State of Maine, two men doing the work, was asked how many towns appealed their 1968 valuation. We were informed that six appealed, one was increased, one was decreased, four no action was taken at all. We asked him if he felt that the reason that more did not appeal was the fact they felt it was useless, and he concurred in that opinion.

The SPEAKER: Is the House ready for the question? Is it the pleasure of the House to adopt House Amendment "A"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that this Bill be passed to be engrossed as amended?

(Cries of "No")

The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

82 voted in the affirmative and 19 voted in the negative.

Mr. Levesque of Madawaska then requested that the vote be taken by roll call.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests that the vote be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken and more than one fifth of the members present having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the engrossment of House Paper 878, L. D. 1121 as amended, Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use. If you are in favor of this matter being engrossed you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Birt, Bragdon, Brown, Buckley, Casey, Chick, Clark, C.H.; Clark, H.G.; Corson, Cote, Cottrell, Crosby, Cummings, Cushing, Donaghy, Dudley, Durgin, Erickson, Eustis, Finemore, Good, Hall, Hanson, Hardy, Harriman, Hawken, Henley, Hewes, Hichens, Huber, Hunter, Jaibert, Johnston, Kelley, K.F.; Kelley, R.P.; Lee, Lewin, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G.A.; Ross, Sahagian, Scott, G.W.; Shaw, Snow, Thompson, Trask, Tyndale, Waxman, White, Wight, Wood,

NAY — Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Chandler, Coffey, Crommett, Croteau, Dam, Fecteau, Fortier, A.J.; Fortier, M.; Fraser, Gauthier, Giroux, Heseltin, Immonen, Kelleher, Keyte, Kilroy, Lawry, Lebel, Leibowitz, Levesque, Lund, Martin, McTeague, Mills, Morgan, Nadeau, Richardson, H.L.; Soulas, Starbird, Stillings, Susi, Vincent, Watson, Wheeler, Williams,

ABSENT — Bunker, Carrier, Couture, Cox, Curran, Curtis, D'Alfonso, Danton, Dennett, Drigotas, Dyar, Emery, Evans, Farnham, Faucher, Foster, Gilbert, Haskell, Jameson, Jutras, Laberge, LePage, Lewis, Marquis, Mitchell, Ricker, Rideout, Rocheleau, Santoro, Scott, C. F.; Sheltra, Tanguay, Temple.

Yes, 72; No, 45; Absent, 33.

The SPEAKER: Seventy-two having voted in the affirmative and forty-five in the negative, the Bill is passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and will be sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I would inquire if the House is in possession of L. D. 1003?

The SPEAKER: The Chair would advise the gentleman in the