

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

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1st Special Session

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duced this order and I hope that the Legislative Research Committee will be able to come up with some recommendations for a program of drug education in our public schools.

Thereupon, the Joint Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

An Act Providing for Presidential Preferences in Primary Election (H. P. 1151) (L. D. 1473) which was passed to be enacted in the House earlier in the day and passed to be engrossed as amended by Conference Committee Amendment "B" on June 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Three times this body has passed this item. We have had three Committees of Conference. The last two agreed upon a compromise. It was a simple procedure but still embodying the general idea and that is of giving the people the chance to express their choice for presidential candidate, and it would not be binding upon delegates. Now aside from the choice of the average voter and not just a privileged few, it would add to the interest of our primary elections.

Now this afternoon we could insist. However, the other body is much too preoccupied now in financial matters and I would suggest that somebody table this until later in today's session.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending further consideration and assigned for later in today's session.

Non-Concurrent Matter

Bill "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 1272) (L. D. 1601) which was indefinitely postponed in the House on June 19.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A", "B" and "C" in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to adhere.

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121) which failed final passage in the House on June 26 and which was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" on June 25.

Came from the Senate finally passed in non-concurrence.

In the House:

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

Mr. KELLEY: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Southport, Mr. Kelley moves that the House recede and concur.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Although the Senate Amendment makes this Constitutional change a little bit better to swallow I still feel that in certain municipalities that there would be some serious objections and serious error done by changing the Constitution in this fashion. The amendment that was provided in the Senate changes it so that it gives the option of the municipalities of being able to go back for a period of five years and being able to collect money if the land is sold at a higher value than it was assessed for.

In certain areas this may very well help but I don't think that it is a good time for the State of Maine to adopt this area. Although the amendment does make it palatable, I still feel that there are serious objections in the document as it is. I will not make a motion but I hope that you will vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not pass any law that says that these lands will be taxed that way. All this bill does, it gives the Legislature, the future legislatures the privilege of passing laws to have these lands taxed in a different method. And as it stands right now we do not have any way of taxing these lands in any other way excepting what is in the Constitution. All this does, it gives the Legislature the privilege for taxing these lands in a different method than they are taxed at the present time.

Now this Legislature would not be able to do anything about this. It would be some future legislature and I think they should have the right to change the way of taxing, and I would ask all of you to vote to recede and concur because I believe this bill is very much needed. We are going to lose a lot of our farm land and a lot of our open land if we don't do something about it pretty soon. A great many other states have passed similar constitutional amendments as this one because they were losing their open land and their farm lands. These high pressure developments come in and they take over the land. The farmers lose it; they can't afford to pay the tax that they assess on it and so forth.

So I would recommend that you vote with this motion so that we can get this Constitutional Amendment out to the people and let them decide whether they want it or not. And I think that they should have the privilege to decide this. It has been said in this House many times that we should let these things go to the people and here is a good chance to let this constitutional resolve go to the people and let them decide which way they want it.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: What Representative Evans just said was exactly what I was going to say, only he could say it so much better. So I urge

all my good friends of the Democrat Party to vote with me right now like I voted with the leader of our party this morning.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I highly respectfully ask all my Republican friends to vote with the gentleman from Durham, Mr. Hunter on this also, and Democrats as well. As I understand it this bill would permit, perhaps a suburban area, an area that might be right for development to let a landowner, say a farmer, have his land evaluated for farming purposes. Sure if you have two farms, we will say each 50 acres in size, side by side, and one of the farmers develops a good portion of his property and sells off several acres at a couple of thousand dollars an acre, perhaps the farmer next to him has land equally valuable, but the farmer next door uses his 50 acres for raising vegetables or what have you, I don't think that he should be taxed necessarily at the housing developmental price. So it seems to me that this is a good bill and I hope you will go along with the motion to recede and concur.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I too am very much in favor of letting the people decide just what they want to do in their municipality, but I would advise the members of this House that if I interpret the laws correctly there are already laws on our statute books that would prohibit assessors from assessing over and beyond the zoned laws or the zoned areas or permissible use of the properties. This simply means that, what this would accomplish would be to try and obtain through the Legislature things which they are not able to obtain locally and I do not believe that we should put something on our statute books at any time which would overrule a local option in such a case as this. So that all the municipalities would have to do is start zoning laws for example de-

clarifying certain regions as farm land and then the assessors could not assess them as recreational property or industrial property. So consequently I would urge you to vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker, I would concur with the gentleman from Freedom, Mr. Evans. A few years ago when our farm was bought our front driveway went out onto a state highway. We were bordered in the rear by a railroad. The railroad was discontinued and now they have put in a highway, Route 236. All of this land along the railroad has suddenly become valuable, but yet many of the farmers including myself are still using it for the same purpose we always did. Because one man is able to sell his land at a higher price, develop it for a business project, does not mean that our land should have to go up accordingly.

So I hope you will go along with the gentleman from Freedom, Mr. Evans.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry to differ with my seatmate, Mr. Fortier, in his view of this. We have a very real problem in the State of Maine. The real property tax is being used as a pressure device to compel people or to coerce people to use their land in a different way than they would like to use it and perhaps some of you have heard of instances as I have in which a person who owns land, for instance, a farmer, which has lake frontage upon it which he does not wish to sell as cottage lots, the assessors or some people working with the assessors have brought in potential buyers and have used this as a device to try to force the landowner to sell land for uses he does not wish to employ.

At the present time the municipalities do not have an adequate device to protect this land, and as I understand it with the present

amendments, the permitting of the assessment for the present use would be optional with the community. I feel that we ought to provide the communities with the tool that this amendment would give them.

So I hope you will vote in favor of enactment.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: Just in reply to the question from the gentleman from Rumford, Mr. Fortier, as I understand it, at the present time, by court interpretation, property must be assessed at its highest and best use, and that is why perhaps farmland would have to be appraised—would have to be appraised—at the highest and best use rather than for the use to which it is being used.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: I am a member of the Taxation Committee and I am going to speak in a general way. In our very fast changing developing, revolutionary society, there has been a new word brought in—"megalopolis," and it has created a lot of problems for the private owner of real estate, and it just seems to me to be establishing a general principle by which more equity can be given to the private owner of property and so I hope that this bill stays alive.

This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 97 voted in favor of the motion to recede and concur and 31 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mr. Rideout of Manchester presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee study the subject matter of the following Bills: "An Act