

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Severance Pay by Employer" (H. P. 1083) (L. D. 1363) reporting same.

Mr. Snow from the Committee on Labor on Bill "An Act Defining Applicability of Federal Fair Labor Standards Act to Inmates of Correctional Institutions" (H. P. 1039) (L. D. 1329) reporting same.

Mr. Snow from the Committee on Labor on Bill "An Act Defining Applicability of Federal Fair Labor Standards Act to Inmates of Correctional Institutions" (H. P. 1039) (L. D. 1329) reporting same.

Reports were read and accepted and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to the Valuation of Farmland" (H. P. 550) (L. D. 678)

Report was signed by the following members:

Mr. JACKSON of Cumberland  
— of the Senate.

Messrs. IMMONEN of West Paris  
MORTON of Farmington  
FINEMORE of Bridgewater  
SUSI of Pittsfield  
TWITCHELL of Norway  
DAM of Skowhegan  
MAXWELL of Jay  
DRIGOTAS of Auburn

— of the House.

Minority Report of the same Bill reporting "Ought to Pass" as amended by Committee Amendment "A" (H-237) on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington  
MERRILL of Cumberland

— of the Senate.

Messrs. MULKERN of Portland  
COX of Brewer

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, Ladies and Gentlemen of the House: I move that the Majority Report of the Committee on Taxation "ought not to pass" be accepted.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion that we accept the majority "ought not to pass" report.

The purpose of this bill, as it is in the statement of fact, is to expand the definition of farmland, which must be assessed at just value, rather than its highest and best use and the statement of fact goes on to say, this will protect a person who would be forced to sell land which they could not afford to pay taxes if assessed at highest and best use.

Now, we have one situation in our state which disturbs me, and it is the pressure upon landowners to either sell to developers or to affluent persons, who can afford to pay property taxes on the high valuations which results from the pressure upon both the landowner and the open land. Too often the result is either the building up of open land, where it might be better if the land were left open, or the land comes into the hands of non-residents, especially along the coast, and the native is, in effect, squeezed off his land. Now, to me, land is farmland, whether the produce is sold or consumed by the owner, and that is the major change in this bill that you would take into consideration in the classifying of this land as farmland, the produce that was consumed by the owner.

The Maine resident who wants to live on his land and keep it open should have this means of making it possible for him to do so.

I hope the House will reject the majority "ought not to pass" report and I move that the House accept the minority "ought to pass" report as amended by Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am in complete sympathy with the motives and the interest of the gentleman from Brewer. I would like to fill in a little more information on it. We do now have in the books, Farm and Open Space Land Law, it is known as, and it provides that if there is more than 10 acres involved and if there is \$1,000 or more in agricultural products produced from this 10 acres or more, then the owner of this property can petition the assessor to assess it or, as the gentleman from Brewer explained, not in highest and best use, which might be for development, but for its existing use, which would be agricultural under this definition.

I think this is an extremely liberal provision in our law now inasmuch as only \$1,000 worth of produce has to be taken from 10 acres or more in order for it to qualify as farmland under the existing law.

The bill as it is presented to us provided for a change back from 10 acres to 2 acres and staying at a \$1,000 and that is not an issue here this morning. There were no members of the committee who supported the bill in its original form.

The majority report was "ought not to pass" and I believe that the principal consideration with the "ought not to pass" signers was this, what to me is dominant fact, that the new or the amended form of the bill would provide for assessors taking into consideration food that was consumed by the residents of this property and presumably produced from this property. It is just, in my opinion, practically an impossible thing to ask our assessors across the state to ascertain how much food has been consumed from what has been produced on a piece of property. We are involved already with the questions about assessment and we are going to become more involved later, I am sure, but an assessor — I believe the figure is roughly 10,000 parcels that he can reasonably handle in a year. That is to determine the value of this number and then this I believe is considered a workload for an assessor, but if you start loading assessor to where they are going to have to perhaps spend a day or more talking with a single property owner to determine how much his family eats, it is just going to become hopelessly impossible.

I know that this legislation wouldn't affect much of the state, but there are areas around our principal urban sections, areas like Windham, Gorham, down round Portland and the outlying towns around these cities where a high percentage of property would be eligible for consideration under this change and I think it would make complete havoc and I hope you will support the motion for the majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would be a little remiss if I didn't stand up and speak for this because this was my bill and the intention of it was to help the small farmer

instead of causing him to sell his farmlands, etc., if under 10 acres to be divided up into house lots. Anyone who had ten acres or more, our good friend Mr. Susi had mentioned that the assessors would spend a great deal of time with this farmer to prove that they are raising \$1,000 worth of produce on this land in three out of the five years. Well, this isn't so. The way it works is that they only go into the town office or the assessor's office and file an application for this farmland exemption, if they own more than 10 acres. Consequently, this is making it just double and making it much worse for the farmer that owns more than 10 acres. The intention of this bill and it has the support of the organic farmers organization throughout the state and other farm organizations for the simple reason that anyone who has a small piece of land and is trying to make a little assistance in their living or subsidize their small income, they are unable to do so because the land is valued at house lot valuation and especially in my area where you have a 100 percent valuation assessment, these house lots, if you have 8 acres, it is figured at \$3250 a lot, some \$1620, etc. This is quite a strain on some of the retired people living on fixed incomes and to make this worse for a man that owned 12 acres and is filing under farmland, the whole thing is just idiotic and I move that this bill and all its accompanying papers be indefinitely postponed and I hope that you will vote in favor of it.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize — I might repeat something the gentleman from Pittsfield, Mr. Susi, has said, but I hope not because I was called from the House. I am in agreement with Mr. Churchill, whose bill this is, because this bill is nothing like the bill he put in. They have changed on Committee Amendment "A" (H-237) you will notice that they raised the amount he had to have from \$1,000 to \$2,000, which is the worst thing they could have done in my opinion, because the little one who is trying to hold onto a little piece of an old homestead or something, when you double the amount he has got to raise, it is hurting him rather than helping him.

Also, if this was written properly and read properly and put in at \$1,000 the value of the commodities used for consumption by the householder, it would be all okay, but this isn't so. I am very much in agreement now with the amendment on it, of the motion to indefinitely postpone, for the simple reason that it is nothing like the bill as it was written and the intent of the bill is not in this at all. I hope you will go along with the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out a few things here under this business of including the value of commodities which are used and it has been mentioned by the gentleman from Pittsfield, Mr. Susi, the difficulty of determining how much a farm household eats. Well, this does not include only food. Many of these parcels of land, especially along the coast, have a parcel of woodland, and it is not too hard to look at a pile of wood in the dooryard that may have 10 cords of wood valued at \$50 or \$60 a cord and say that this

family is consuming \$500 or \$600 worth of produce from the land in the form of fuel. Also, if they raise beef animals, it is very simple for them to bring a receipt from the slaughter house that killed this animal saying how large the animal was and so it is not too hard to determine this.

It is true that we have raised it from \$1,000 to \$2,000, but we have made it possible to include the produce that was consumed by the family. As for this making a lot of extra work for the assessors this is not necessarily so. The assessor is not required to go out and chase around looking for proof. The burden of proof is on the taxpayer to prove that he has produced this much on his land.

Personally, I might have preferred to have left it at \$1,000 and included materials produced and consumed by the farm household, but in order for us to come up with a bill that we could get a number of signatures on, it seemed to be necessary for us to raise this valuation to \$2,000.

I still say that basically it is a good bill, because on these small subsistence farms, the largest amount of produce raised quite often is consumed, especially if it is woodland. I still stand by my previous remarks and my previous motion.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Just to set the record straight, I would thoroughly support the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Orland, Mr. Churchill, moves that we its accompanying papers be indefinitely postponed. The Chair will order a division. Those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 17 in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I would like to move reconsideration and hope that you will vote against me.

The SPEAKER: The gentleman from Orland, Mr. Churchill, moves that we reconsider our action whereby this bill was indefinitely postponed. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

(Off Record Remarks)

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax" (H. P. 1326) (L. D. 1627)

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland  
MERRILL of Cumberland  
— of the Senate.

Messrs. MAXWELL of Jay  
TWITCHELL of Norway  
IMMONEN of West Paris  
DAM of Skowhegan

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:

Messrs. DRIGOTAS of Auburn  
COX of Brewer  
SUSI of Pittsfield  
MORTON of Farmington  
FINEMORE of Bridgewater  
MULKERN of Portland  
— of the House.

Reports were read.

On motion of Mrs. Saunders of Bethel, the Majority "ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242) on Bill "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" (H. P. 1358) (L. D. 1660)

Report was signed by the following members:

Messrs. CARBONNEAU of Androscoggin  
DANTON of York  
— of the Senate.

Messrs. JACQUES of Lewiston  
FAUCHER of Solon  
MAXWELL of Jay  
DYER of South Portland  
PIERCE of Waterville  
PERKINS of Blue Hill

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. GRAFFAM of Cumberland  
— of the Senate.

Messrs. LIZOTTE of Biddeford  
TWITCHELL of Norway  
IMMONEN of West Paris  
RAYMOND of Lewiston

— of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-242) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-243) on Bill "An Act Relating to Innkeepers, Victualers and Lodging Houses" (H. P. 1115) (L. D. 1406)

Report was signed by the following members:

Messrs. CORSON of Somerset  
CIANCHETTE of Somerset  
DANTON of York  
— of the Senate.

Messrs. HUNTER of Benton  
SHUTE of Stockton Springs  
BURNS of Anson  
COTE of Lewiston  
DUDLEY of Enfield  
CAREY of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-244) on same Bill.

Report was signed by the following members:

Messrs. GOULD of Old Town  
PERKINS of Blue Hill  
JOYCE of Portland  
FAUCHER of Solon

— of the House.

Reports were read.

On motion of Mr. MacLeod of Bar Harbor, tabled pending acceptance of either Report and tomorrow assigned.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-238) on Bill "An Act to Remove the Inheritance Tax Exemption for Life Insurance Proceeds in Excess of \$50,000 and to Increase the Inheritance Tax Exemption for Husbands and Wives" (H. P. 557) (L. D. 686)

Report was signed by the following members:

Mr. MERRILL of Cumberland  
— of the Senate.

Messrs. MAXWELL of Jay  
DRIGOTAS of Auburn  
FINEMORE of Bridgewater  
SUSI of Pittsfield  
MULKERN of Portland  
COX of Brewer  
TWITCHELL of Norway

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland  
— of the Senate.

Messrs. IMMONEN of West Paris  
MORTON of Farmington  
DAM of Skowhegan

— of the House.

Reports were read.

On motion of Mr. Drigotas of Auburn, tabled pending acceptance of either Report and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 910) (L. D. 1109)

Report was signed by the following members:

Messrs. THOMAS of Kennebec  
REEVES of Kennebec  
JOHNSTON of Aroostook  
— of the Senate.

Mrs. BOUDREAU of Portland  
Mrs. CLARK of Freeport  
Mrs. BYERS of Newcastle

Messrs. DeVANE of Ellsworth  
PIERCE of Waterville  
BOWIE of Gardiner  
RIDEOUT of Mapleton  
PEAKES of Dexter

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on the same Bill.

Report was signed by the following members:

Messrs. HIGGINS of Scarborough  
TIERNEY of Durham  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: M. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority Report of the committee "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.  
Mr. DAM: Mr. Speaker, Ladies and