

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

Health Insurance Policyholders. (S. P. 121) (L. D. 407)

An Act to Authorize the Governor and Executive Council to Approve or Disapprove Certain Claims Against the State. (H. P. 366) (L. D. 460)

An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine. (H. P. 1128) (L. D. 1404)

An Act Extending Eagle Lake Water and Sewer District to the Plantation of Wallgrass. (H. P. 1153) (L. D. 1447)

An Act Authorizing the Use of Facsimile Signature on Certain Documents by the Secretary of State. (H. P. 1270) (L. D. 1570)

An Act to Extend the Territorial Limits of the Hallowell Water District. (H. P. 1311) (L. D. 1589)

An Act Creating the Advisory Committee on State Telecommunications. (H. P. 1443) (L. D. 1744)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Compensation of Full-time Deputies in All Counties. (H. P. 1556) (L. D. 1869)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Reports — from the Committee on Taxation — Bill, "An Act Relating to the Valuation of Farmland." (H. P. 550) (L. D. 678) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-237).

Tabled — May 7, 1975 by Senator Merrill of Cumberland.

Pending — Acceptance of Either Report. (In the House — Indefinitely Postponed.)

Mr. Merrill of Cumberland then moved that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I rise to oppose that motion. This has been a bill that has been before us since it was passed in the 105th regular session which protects the elderly people living on our farm lands. There are many cases where these people have spent their whole life on a farm and now have retired, and do not have any income from that farm and should be protected from rises in taxes as to the potential use of that land with all the building developments going on. With these bills being passed, they are cutting down on the restrictions which are now on them. They say they have to have so much of an income, and the acreage of the farm gets smaller all the time, so we are putting a handicap on these people to pass a bill like this. I would oppose the motion and hope we can go along with the House and indefinitely postpone the whole measure.

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

Mr. MERRILL: Mr. President, I would like to offer a brief word of explanation to

this bill because it is my sincere belief that the remarks of the Senator from York, Senator Hichens, although well taken, aren't relevant to this bill.

The fact of the matter is that at the present time, in order to take advantage of special tax treatment that the people of Maine provided for farm land about four or five years ago when they enacted a constitutional amendment, that allows for the land to be taxed at less than its maximum use value, a farm has to meet really two requirements: it has to be ten contiguous acres and it has to produce \$1,000 a year gross income. This bill makes two changes. It doesn't touch the ten contiguous acres. It ups the \$1,000 to \$2,000, but at the same time it allows to be included in gross income those goods that are produced on the farm for consumption on the farm. Now, there is obviously a trade-off here. The attempt is to find somebody who is seriously doing something more on the land than just having a small garden out back, but it is also to include the person who is doing a lot of serious farming on his land but is producing the food for consumption by himself and by his family. I think that none of us need to reflect too long to know that there is a growing number of people in Maine who are making serious farming efforts which are really centered around producing food for the home, and they may have a job also or a part-time job where they get the money they need to take care of the other matters.

Really what this bill is an attempt to do, it is an attempt to allow more people to come under this exemption than presently do. It is an attempt to do what I think the bill originally intended to do, and that is allow for land that is being used for farming in Maine to be protected from the pressures of the property tax which would put that land into some other use. It seems to me to be a bill that is limited in scope, but one that is very important to some of the people who are living on subsistence farmsteads.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, for the edification of the members of the Senate, I would like to read the amendment in its entirety. It says, "Farmland means any tract or tracts of land including woodland and wasteland constituting a farm unit of at least 10 contiguous acres on which farming activities produce a gross income of at least \$2,000 per year for three of the five calendar years preceding the date of application for classification. Gross income as used in this section includes the value of commodities produced for consumption by the farm household. Any applicant for such a tax exemption bears the burden of proof as to his or her qualification." And as the good Senator from Cumberland, Senator Merrill, has stated, the statement of fact says, "The intent of this amendment is to make it possible for persons growing a significant part of their own consumption needs to qualify their land as farmland for tax purposes."

That is the basis of my argument. We have hundreds of retired farmers in the state who are just living out their lives on this land reflecting on the memories of a good productive land, and yet not being in many cases physically able to derive an income of \$2,000 a year from that land. I believe that the bill as presented and voted on, and coming into law several years ago, with having the farm unit at ten contiguous

acres and an income of \$1,000, is enough of a penalty for these people to have to pay.

So along with the Farm Bureau of the State of Maine, which has made a study and a recommendation on this bill, I now move that it be indefinitely postponed.

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

Mr. MERRILL: Mr. President, as I understand the objection of the Senator from York, Senator Hichens, it is not that we include into this bill the fact that goods raised by people for their own consumption can be added into the income produced, but the fact that it goes from \$1,000 to \$2,000. It isn't important to me whether this goes from \$1,000 to \$2,000. It was an attempt to make an honest statement out of this bill that I included that, because right now it includes the gross income from the things that the farm produces, which means the stuff that the farmer sells, which means wholesale price the farmer receives.

If we allow the value of goods produced to be taken for those consumed on the farm, I assume that those would be calculated on the basis of retail price, and so you could produce less and have the same amount. In other words, milk is worth roughly ninety-two cents a gallon if the farmer sells it; if we let him deduct the value to himself to keep it, it is a dollar sixty-two, or whatever it has been recently reduced to.

But I don't care whether we up this from \$1,000 to \$2,000, if we can accept the ought to pass report of the committee, to get this basic idea that what you produce for yourself can be used to figure out the value, then an amendment can be offered tomorrow to change the \$2,000 back down to the \$1,000, and I would be glad to support that amendment.

I think the important idea in this bill is the fact that these people who are running subsistence farms, many of whom are trying to get into the business so that they can farm full-time, so that these people can be allowed to get this tax treatment and that this land that is being used as farmland be taxed as farmland so that it won't be lost.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that this bill and all accompanying papers be indefinitely postponed. The Chair will order a division. All those Senators in favor of the motion to indefinitely postpone will please rise in their places until counted.

A division was had. Three having voted in the affirmative, and 24 having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Providing for the Observance of Memorial Day on May 30th." (S. P. 371) (L. D. 1198)

Tabled — May 8, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Conley of Cumberland to Reconsider Action

whereby Bill was Indefinitely Postponed.

(In the House — Passed to be Enacted.)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President, when the vote is taken I would request a division.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. Conley of Cumberland then withdrew his motion to Reconsider.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I move that the Senate reconsider its action whereby this bill was indefinitely postponed.

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

Mr. CONLEY: Mr. President, a point of order: I would ask through the Chair if the good Senator from Somerset, Senator Corson, was on the prevailing side?

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I apologize, I was in error. I was not on the prevailing side on this motion.

The PRESIDENT: The Senator from Somerset withdraws his motion. The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action whereby this bill was indefinitely postponed.

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

Mr. CONLEY: Mr. President, it is always good not to converse with the Majority Floor Leader and let him know in advance what you are going to do. I would hope, Mr. President and Members of the Senate, that you would vote against reconsideration this morning. I think that this bill has been debated on several occasions, and everyone obviously knows as to the good and bad about this piece of legislation.

I honestly think to turn this back to May 30th would create many, many problems. Leaving it the way it currently stands, after the change made by federal legislation over the years, that it would give a lot of Maine people an opportunity to have a three day weekend to enjoy Memorial Day and to make something of it. So it would be my hope, again, that the Senate would vote against reconsideration.

When the vote is taken, Mr. President, I would request the "Yeas" and "Nays."

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby this Bill was indefinitely postponed. The Chair would advise the Senate that for this reconsideration motion to prevail will require a two-thirds vote of those present and voting.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Corson, Curtis, Cyr, Gahagan, Graffam, Graham, Greeley, Hichens, McNally, O'Leary, Speers, Thomas.

NAYS: Senators Carbonneau, Cianchette, Clifford, Collins, Conley, Cummings, Danton, Huber, Johnston, Katz, Marcotte, Merrill, Pray, Trotzky.

ABSENT: Senators Berry, R.; Jackson, Reeves, Roberts, Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with five Senators being absent, the motion did not prevail.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, An Act to Amend the Protection and Improvement of Air Statutes. (H. P. 694) (L. D. 881)

Tabled — May 9, 1975 by Senator Wyman of Washington.

Pending — Enactment.

(In the House — Passed to be Enacted.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 403) (L. D. 492)

Tabled — May 9, 1975 by Senator Graham of Cumberland.

Pending — Motion of Senator Conley of Cumberland to Recede and Concur.

(In the House — Passed to be Engrossed.)

(In the Senate — Majority Ought Not to Pass Report was Read and Accepted, in non-concurrence.)

(Comes from the House, that body having Insisted.)

On motion by Mr. Danton of York, retabled and Specially Assigned for May 14, 1975, pending the motion by Mr. Conley of Cumberland to Recede and Concur.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Enactors

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

An Act to Permit the Disposal of Moose Killed in Motor Vehicle Accidents. (H. P. 977) (L. D. 1224)

An Act to Correct Technical Errors in Laws Relating to Marine Resources. (H. P. 1338) (L. D. 1624)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,
Adjourned until 9:30 tomorrow morning.