

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

**OF THE**

*Ninety-Sixth Legislature*

**OF THE**

**STATE OF MAINE**

**1953**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

Bill "An Act Relating to Tree Surgeons." (H. P. 348) (L. D. 364)

Bill "An Act Relating to Penalty Provisions of the Narcotic Drug Act." (H. P. 416) (L. D. 464)

"Resolve in Favor of Mrs. Ada A. Hiscock, of Farmingdale." (H. P. 490) (L. D. 509)

Bill "An Act Relating to Return Day for Brunswick Municipal Court." (H. P. 523) (L. D. 561)

"Resolve, in Favor of H. W. Flint, of Baldwin." (H. P. 580) (L. D. 622)

Bill "An Act Relating to Stipend to Agricultural Societies." (H. P. 626) (L. D. 650)

Bill "An Act Relating to Cattle Diseased with Tuberculosis." (H. P. 627) (L. D. 651)

Bill "An Act Relating to Proceeds from Sale of Carcass of Diseased Animals." (H. P. 713) (L. D. 737)

Bill "An Act Repealing Law Relating to Record of Advertised Stallions." (H. P. 714) (L. D. 738)

"Resolve, Closing Sandy Stream in the County of Somerset to All Fishing." (H. P. 740) (L. D. 757)

Bill "An Act Permitting Savings Banks to Invest in Mortgage Bonds of Natural Gas Companies." (H. P. 792) (L. D. 846)

Bill "An Act Relating to Powers of Rangeley Trust Company." (H. P. 793) (L. D. 847)

Bill "An Act Relating to the Danville Mutual Fire Insurance Company." (H. P. 794) (L. D. 848)

Bill "An Act Relating to Salaries of Judge and Recorder of Northern Cumberland Municipal Court." (H. P. 875) (L. D. 946)

"Resolve, Regulating Fishing in Warren Pond, York County." (H. P. 813) (L. D. 897)

"Resolve, Authorizing the Commissioner of Inland Fisheries and Game to Convey a Right of Way over State Owned Land in Littleton." (H. P. 842) (L. D. 881)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Aid to the Disabled." (H. P. 1181) (L. D. 1309)

On motion by Mr. Haskell of Penobscot, tabled pending passage to be engrossed, and especially assigned for Wednesday, March 18.

Bill "An Act to Increase the Salary of the Clerk of Courts of Lincoln County." (H. P. 78) (L. D. 73)

Bill "An Act to Repeal the Liquor Research Commission Law and Provide that the Department of Health and Welfare Assume Certain Responsibilities Relating to Alcoholism." (H. P. 206) (L. D. 237)

"Resolve Opening Moose River to Fishing." (H. P. 217) (L. D. 244)

Bill "An Act Relating to the County Law Library of Penobscot County." (H. P. 441) (L. D. 485)

Bill "An Act Relating to Salaries of County Officers and Clerk Hire in Piscataquis County." (H. P. 611) (L. D. 610)

Bill "An Act Relating to Vaccination of Cattle Over Eight Months of Age." (H. P. 623) (L. D. 648)

Bill "An Act Relating to the Charter of the Old Town High School District." (H. P. 977) (L. D. 1065)

Which were severally read a second time and passed to be engrossed as amended, in concurrence.

Bill "An Act to Facilitate Voting by Members of the Armed Forces of the United States." (S. P. 70) (L. D. 152)

Which was read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

### Order

(Out of Order)

On motion by Mr. Collins of Aroostook, out of order and under suspension of the rules, it was

ORDERED, the House concurring that the Committee on Appropriations be and hereby is directed to report on L. D., Department Heads Salary Bill in such a manner that each department head's salary that the committee may desire to report upon, shall be reported in a separate bill.

### Orders of the Day

The President laid before the Senate bill, An Act to Secure Uniformity of Assessment of Forest Lands for Purposes of Taxation (S. P. 36) (L. D. 39), tabled by the Senator from Cumberland, Senator Weeks on March 11th pending

passage to be engrossed, and the Chair recognized that Senator.

Mr. WEEKS: Mr. President and members of the Senate, I offer Senate Amendment A and move its adoption and in explanation of the proposed amendment I will briefly say that I am heartily in accord with the purpose of the bill which deals with uniformity of assessment of forest lands for purposes of taxation. What I object to is the provision which starts in the second line of section 158 where the duties of the state tax assessor as such are defined as to prepare and issue instructions designed to guide municipal assessors to uniformity in the taxation of forest land and goes on to provide that upon request of any court in which an action at law is pending under section 157 the state tax assessor shall cause the forest land in question to be examined by a competent person at the expense of the party challenging the assessment and shall thereafter render to the court and to the contending parties an opinion as to its just value for purposes of assessment.

It appears, therefore, that anyone who wants to contest the size of an assessment is therefore faced with the testimony of a person hired by the tax assessor at the expense of the contestant who of course is offered to the court under the cloak of state authority and of course his opinion on the matter would be quite compelling. There is nothing in the bill to say that I as a contestant cannot employ another assessor if I wish to or another competent person, to place a value there but still the force of the bill does place a contestant in a tax matter under a handicap and under additional expense.

The purpose of the amendment is to strike out section 158 and the following section which deals with administration. That is my sole objection to the bill and, Mr. President, I offer the amendment.

Mr. CHASE of Cumberland: Mr. President, the last legislature directed the legislative research committee to study the question of forest land taxation with particular reference to the yield of severance tax. The committee had a number

of conferences with persons familiar with the problem involving the problem of forest taxation. I suppose all the members of the Senate are familiar with the arguments which have been advanced in regard to a yield tax on timberland. The research committee did not think that a yield tax was the thing for the State of Maine at the present time, for two reasons, of which the main one is that in order to have a yield tax and make it effective, as in New Hampshire, certain incentives have to be offered to the timberland owners to induce them to operate their land according to the principle of conservation. Under our Constitution which requires uniformity of assessment of all property there would appear to be no possibility at the present time of offering any incentive to timberland owners on the basis of behavior. Furthermore, it appeared to the research committee that the problem was largely confined to the organized towns. In the organized towns of the state in recent years about twice as much wood has been cut as in all of the unorganized territory which on the basis of acreage means that the organized towns are paying about four times as much as the unorganized territory. It is a very real problem to those towns which depend to a great extent upon the wood to provide them with a means of income.

Now, the problem in the organized towns is important. I do not think there is any question but what some of the organized towns are soaking the timberland owners. A good deal of land has been stripped on account of high taxes. We thought, therefore, that before we embarked on a new field of yield taxation an effort should be made to improve the assessment method. There is a lot to be said for the assessment method from the standpoint of state and municipal government. The assessment method provides a regular income to the towns. If you have a yield tax it means the state has to set up some sort of equalization fund, the towns cannot budget because they don't know whether an owner is going to cut or not and the result is, as

in New Hampshire, that it may involve borrowing at the state level. Therefore, I believe an effort should be made to improve the assessment method in this state.

Now if the assessment method is to be improved, under our present constitutional requirements that apply to uniformity of assessments, there is no way to get uniformity of assessments except through some kind of educational campaign carried on by the state tax assessor and this is the purpose of the section which the Senator's amendment would strike out completely.

The Senator made a point regarding the requirement in the act that if a timberland owner went to court under the previous section 157 he would have to pay for an appraisal of the land if the court requested it. Now I call your attention to the fact that the timberland owners do not have to go to court at all if they don't want to go and it is extremely unlikely that there would be any need for appraisal unless the case were to be decided in favor of the land owner.

The arguments that have been advanced, and which have come mainly from the corridors and the lobbies, with respect to this bill, are a little difficult for me to understand. We do occasionally hear of objections being based on one ground where the objection is really on another ground which the objectors do not care to talk about and while I don't have a suspicious mind in this particular case I do suspect that some of the people who do not like this particular section may really not be objecting to the provisions which might require a land owner to pay the cost, if he went to court, of having the appraisal made but to the proposition that the state tax assessor should have anything to say to the municipal assessors in the nature of an educational campaign.

It seems to me that if we are going to improve the assessment method, which I think is a most desirable move, it must be under some guidance at the state level. I think the state tax assessor is doing a splendid job in the timberland assessment work which he is doing in unorganized territory and

I don't believe it will do the municipal assessors any harm to study such instructions or educational program as the state tax assessor may put out if this particular provision becomes a law. I regard that as essential to the improvement of the assessment method and, as I have said, it seems to me that the method proposed is greatly to the advantage of this state if we can make it work in a proper manner.

Therefore, Mr. President, I hope the amendment will not be adopted and when the vote is taken I ask for a division.

Mr. HANSON of Washington: Mr. President, not speaking from the point of view of the lobbies or the point of view of the corridors, but speaking from the point of view of the little owners scattered in many places throughout the State of Maine, I do not think this is good legislation. There are thousands upon thousands of individual patches of land in the State of Maine in all grades of having had the wood taken off them for fuel and other purposes, and this problem has been handled by the assessors of the small communities throughout the state ever since the state was organized. It is proposed to transfer all these powers to the state tax assessor. He is to recommend a uniform method. How he will arrive at that uniform method I don't know. He is also to act on the basis of productivity. I ask you what is productivity on these various small plots of land and who is to reasonably arrive at what it is? Furthermore, this is to be gauged by the services of a competent man? Who is to determine the competent person to relegate the multitude of things concerning these small lots of land in the State of Maine? I think the powers of assessing these lands should be continued where it has been for some time. Personally I have been hurt by it but I will take my chances of getting hurt locally and not at the hands of the state assessor. Thank you.

Mr. PARKER of Oxford: Mr. President and members of the Senate, I would take issue with my friend the Senator from Washington County wherein he says that this relegates all the powers to the

state tax assessor. This bill is not meant to do that at all. It is just a method of educating the local assessor in order that they may do a better job than they are doing today. There is nothing obligatory about it. As far as the taxes are concerned the state tax assessor has no right to tell them what to do. It is just a matter of education.

Mr. WEEKS: Mr. President, many of the remarks of Senator Chase regarding this measure were in support of the identical purpose of the bill, with which I believe most of us would be in accord although he did make some remarks which I think do not apply to the true situation. I have been involved with assessors quite a lot for quite a little while and one of the things we have been doing is to inquire of the state tax assessor as to his decision on various points that come up in the municipal assessment offices. Not only do we receive information or instruction from him so far as he is able to give it but we also have solicited them. In fact I have on many occasions and it is amazing over a period of years what confusing questions frequently arise. No matter how much you will deal with the subject of taxation there are many confusing questions continually arising.

I am not opposing the general purpose of the bill in as much as much of it is designed to accomplish obvious purposes of uniformity and I find no fault with it. I do object to the state tax assessor having something of the substantial control to which the Senator from Washington referred but I should think he may have exaggerated the state assessor's powers beyond what they actually are when it comes to a court proceeding but at least when he is able to produce this competent person at the expense of individual owners and he appears in court under cloak of the authority of the state department, he has quite an advantage which the ordinary expert witness in court would not have whose testimony would be to that extent less impressive.

Mr. REID of Kennebec: Mr. President, earlier in the session, in fact quite early, the Senator from Cumberland, Senator Chase and I

had a discussion as to which committee this bill ought to go and he said it should go to the tax committee and I said that was alright with me, particularly in view of the fact that he was on the research committee which had several hearings on this bill, and I asked him at the time how the timberland owners felt about it. My recollection is that he thought they would be glad to go along with the bill but it is now my understanding that they will be glad to go along with the first portion but do not care to go along with the last two paragraphs. I further understand from his remarks that the Senator is anxious to have it passed for what good it will do. I think their judgment ought to supersede the Senator's, particularly on the last two paragraphs, and for that reason I hope the amendment will be adopted.

Mr. CHASE: Mr. President, the matter of conservation of timberlands is of enormous importance to the state. We have had in connection with this bill a great number of conferences with people who are thoroughly familiar with the matter in a practical way, who know this problem, who operate the land and who are familiar with the local problems.

There is nothing in the bill which gives the state tax assessor any authority except to educate the municipal assessors. You cannot deal with a problem of this importance to the economy of the State of Maine without risking here and there treading on a few toes or giving someone the authority to deal with this problem of education. I feel that this section of the bill which the amendment strikes out is vital to carrying on such an educational campaign in the interests of the economy of the state. If the objection is really to the legal provisions in regard to going to court then I would be glad to consider an amendment to that particular section but if we are going to have uniformity, if we are going to improve the present method, the educational campaign must obviously be conducted at the state level and I know of no way it can be done except through the state tax assessor.

The PRESIDENT: The Senator from Cumberland, Senator Weeks, presents Senate Amendment A and moves its adoption.

The Secretary read the amendment: "Amend said bill by striking out all of that part designated Section 158 of Section 1 thereof. Further amend said bill by striking out Section 2 thereof."

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A and the Senator from Cumberland, Senator Chase, has requested that when the vote is taken it be taken by division. Is the Senate ready for the question?

A division of the Senate was had. Nineteen having voted in the affirmative and seven opposed.

Senate Amendment A was adopted.

Mr. GREELEY of Waldo: Mr. President, I move that the bill and accompanying papers be laid upon the table and be especially assigned for Tuesday, March 24th.

The PRESIDENT: The Senator from Waldo, Senator Greeley, moves that the bill lie upon the table pending passage to be engrossed and the matter be especially assigned for Tuesday, March 24th. Is the Senate ready for the question?

A viva voce vote being doubted by the Chair

A division of the Senate was had.

Nine having voted in the affirmative and sixteen opposed the motion to table and assign did not prevail.

Thereupon the bill was passed to be engrossed as amended by Senate Amendment A.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec the Senate voted to take from the table, House Report from the Committee on Welfare on Resolve to Repeal Certain Special Resolve Pensions (H. P. 612) (L. D. 732) reporting that the same ought to pass as amended by Committee Amendment A, which resolve comes from the House passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A thereto; tabled by that Senator earlier in today's session pending consideration of the committee report, and the Chair recognizes that Senator.

Mr. REID: Mr. President, when I first saw this resolve the title intrigued me because resolves usually are to enact something and this resolve was to repeal something. I find that the resolve removes from the list of eligibles for pension some 31 or 32 people, apparently because the Health & Welfare Department investigated these persons and found they were no longer in need of pensions. Committee Amendment A added to the list of ineligible one Kenneth Hunt of Burnham. There is a House amendment which removed him from the list of ineligible so it would appear to me that either the committee or the Health and Welfare Department was wrong or the other Branch was wrong, and I rise to a point of information because there are several persons on the bill ineligible from Kennebec County and I would like them all to be treated alike and would like the Chairman of that committee or someone to tell me why Mr. Hunt from Burnham was added to the list of ineligible after investigation by the Health and Welfare Department and why it was necessary to disagree with the Committee. Before I make any motion I would like to ask either the Senator from Somerset or the Chairman of the Health and Welfare Committee if there is any explanation for that.

The PRESIDENT: The Chair understands that the Senator from Kennebec, Senator Reid, desires information.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, this particular resolve in which certain people were taken from the list went into the House and as I understand it this Mr. Hunt whom we recommended shouldn't continue having a pension was added to the list — this bill was amended so he should be on the list. As this particular man is in the bailiwick of the good Senator from Somerset I would like to ask him about this gentleman.

Mr. SINCLAIR of Somerset: Mr. President, I might say first to the Senator from Kennebec and the Senator from Hancock that Burnham is not in Kennebec County, it is in Waldo County, but knowing something of the family in question I was asked this morning if I