

MAINE STATE LEGISLATURE

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Legislative Council Meeting
November 18, 2003

Deciding Appeals of Legislative Bill Requests Turned Down By the Council

Requirements relevant to bills in the Second Regular Session

1. Under the terms of the Maine Constitution, Section 1 of Article IV, Part Third, Legislative Power, the business of the second regular session must be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees to study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors (direct citizen initiative).
2. Under the 121st Legislative Council's Rules of Procedure, any action of the Council requires the affirmative vote of at least 6 members.
3. Under Rule 203 of the Joint Rules of the 121st Legislature, any vote of the Legislative Council to accept or reject a bill or resolve for introduction under the procedures established under the Joint Rules must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.
4. Under Rule 217 of the Joint Rules, a bill that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent session of the same Legislature except by a vote of 2/3 of both chambers. Therefore, determinations as to the relevancy of Rule 217 are within the purview of the presiding officers, not the Legislative Council.

Suggested Protocol for deciding appeals

- A. The Legislative Council will review appeals alphabetically by sponsor.
- B. For procedural consistency, when voting on an appeal of a bill request that was denied, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. (Yea is to let in a bill; nay is to reject the bill for introduction).
- C. In order to review all legislative appeals in a timely manner, voting will be by a show of hands, with each Council Member's vote on each bill being recorded. The record of each vote will be made available for public inspection following the meeting.
- D. Legislators who appeal a decision of the Legislative Council will be given a brief opportunity to make their case to the Council. A time limit of 3 minutes will be observed for Legislators making an appeal. Only by leave of the Chair of the Legislative Council may a person who is not a Legislator address the Council.
- E. Discussion of a bill request will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself. If a bill was turned down because it is closely related to another legislative request or to a carryover bill, the burden is on the Sponsor to convincingly distinguish his or her bill request from the closely related one.

121ST LEGISLATURE
SECOND REGULAR SESSION
APPEALED BILL REQUESTS



Office of the Revisor of Statutes

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Annis of Dover-Foxcroft

LR: 2224

TITLE: An Act To Authorize the Deorganization of the Town of
Atkinson

SUMMARY: This bill would authorize the deorganization of the Town of
Atkinson

SPONSOR: Rep. Barstow of Gorham

LR: 2285

TITLE: An Act To Repeal the Taxation of Personal Property Valued
Over \$1,000

SUMMARY: Current law provides that personal property valued over
\$1,000 be taxed locally at the municipality's tax rate.
This bill would repeal that provision.

A TED LEGISLATOR REQ: LR 2291 - BRUNO
A TED LEGISLATOR REQ: LR 2576 - STANLEY

SPONSOR: Rep. Barstow of Gorham

LR: 2289

TITLE: An Act To Ensure Funding for After-school Programs

SUMMARY: This bill would dedicate an amount equal to 1% of general
education revenue to the facilitation of after-school
programs, subject to the approval of the voters of the
State of Maine.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Sen. Brennan of Cumberland

LR: 2459

TITLE: An Act To Protect Personal Identity and Access to Birth
Certificates

SUMMARY: This bill would clarify the law that birth certificates are
not public records subject to the Freedom of Access Law,
thus restricting access to birth certificates to those
persons with a direct and legitimate interest.

TED LEGISLATOR REQ: LR 2284 - BARSTOW

SPONSOR: Rep. Bruno of Raymond

LR: 2291

TITLE: An Act To Exempt All Personal Property from Taxation

SUMMARY: This bill would repeal the current exemptions from the
property tax and instead provide for the exemption of all
personal property.

TED LEGISLATOR REQ: LR 2285 - BARSTOW

TED LEGISLATOR REQ: LR 2576 - STANLEY

SPONSOR: Sen. Bryant of Oxford

LR: 2584

TITLE: An Act To Amend the Fees Paid to Attorneys for Lump-sum
Settlements in Workers' Compensation Cases

SUMMARY: This bill would amend the fees paid to attorneys for
lump-sum settlements in workers' compensation cases.

SPONSOR: Rep. Bunker Jr. of Kossuth Township

LR: 2539

TITLE: An Act To Make Public Records in the Court System
Readily Accessible to the Public

SUMMARY: This bill would require that the fee charged to the public
for a record search be used to make the information more
readily available by obtaining computers for the public's
use.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Clark of Millinocket

LR: 2252

TITLE: An Act To Exempt Unemployment Benefits from State Income Tax

SUMMARY: This bill would exempt unemployment benefits from state taxation.

SPONSOR: Rep. Clark of Millinocket

LR: 2304

TITLE: An Act To Require the Department of Labor, Workplace Safety and Health Division to Announce Inspections

SUMMARY: This bill would require the Workplace Safety and Health Division in the Department of Labor to announce an inspection at least 7 days before the inspection.

SPONSOR: Rep. Clough of Scarborough

LR: 2294

TITLE: An Act To Provide for Fair Treatment of Taxpayers

SUMMARY: The purpose of this bill is to maintain the 6-year statute of limitations on assessments under the tax laws by reinstating the requirement that any additional tax liability be attributable to information that was required to be reported but was not reported in the return and to maintain the standard for determining the 50% threshold of the tax liability.

SPONSOR: Rep. Clough of Scarborough

LR: 2433

TITLE: An Act To Waive Fees for Background Checks for Certain Emergency Medical Services Personnel

SUMMARY: This bill would waive fees for background checks for emergency medical services personnel, municipal employees and volunteers applying for licensure.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Craven of Lewiston

LR: 2213

TITLE: An Act To Create the Task Force on Early Childhood

SUMMARY: This bill would create a task force to study ways to secure needed resources for young children, to make greater commitments to assist parents of young children and to assist providers and families to balance the cognitive development with the emotional and physical needs of young children to improve collaboration between families, programs and systems.

SPONSOR: Rep. Curley of Scarborough

LR: 2380

TITLE: An Act To Provide for the Safe Disposal of Household Hazardous Waste

SUMMARY: This bill seeks to provide for the safe disposal of household hazardous waste by having the municipal officials in each county work together and designate an existing transfer center or recycling center in each county that would accept household hazardous waste for disposal on a year-round basis.

SPONSOR: Rep. Daigle of Arundel

LR: 2326

TITLE: An Act To Change Certain Requirements in the Wastewater Treatment Laws

SUMMARY: This bill would allow someone other than a master electrician to perform electrical work at wastewater treatment facilities.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Dudley of Portland

LR: 2561

TITLE: An Act To Prohibit State Property Tax Relief for Casinos

SUMMARY: This bill would prohibit casinos from any reimbursement under the business equipment tax reimbursement program.

TED LEGISLATOR REQ: LR 2303 - BOWLES

SPONSOR: Rep. Dudley of Portland

LR: 2564

TITLE: An Act To Concerning Disability Retirement Benefits under the Maine State Retirement System

SUMMARY: This bill would amend the laws regarding disability retirement benefits under the Maine State Retirement System to clarify substantially gainful activity as being demonstrated by the performance of work resulting in annual earnings that exceed the greater of \$20,000 or 80% of the disability benefit recipient's average final compensation at retirement.

TED LEGISLATOR REQ: LR 2569 - MAYO

SPONSOR: Sen. Edmonds of Cumberland

LR: 2242

TITLE: An Act To Ensure the State's Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf

SUMMARY: This bill appropriates \$6 million to the Baxter Compensation Authority to disburse cash awards to those former students who are found to have suffered physical or sexual abuse while they were students and under the care of the Governor Baxter School for the Deaf or the Maine School for the Deaf.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Lerman of Augusta

LR: 2403

TITLE: An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the HOME Fund and the Land Acquisition Loan Fund Administered by the Maine State Housing Authority

SUMMARY: This bill authorizes a General Fund bond issue in the amount of \$15,000,000 for the Housing Opportunities for Maine (HOME) Fund and the Land Acquisition Loan Fund administered by the Maine State Housing Authority.

SPONSOR: Rep. Lessard of Topsham

LR: 2234

TITLE: An Act To Expand Property Tax Exemptions for Veterans to Cooperative Housing

SUMMARY: This bill would expand the property tax exemption that is currently available to veterans to also apply to veterans living in cooperative housing.

SPONSOR: Rep. Lessard of Topsham

LR: 2311

TITLE: An Act To Require That an Increase in a Fine for a Traffic Infraction Be Approved by the Legislature

SUMMARY: This bill requires that an increase in a fine for a traffic infraction be approved by the Legislature.

SPONSOR: Sen. Mayo, III of Sagadahoc

LR: 2245

TITLE: An Act To Ensure Sales Tax Exemption Reciprocity for School Groups Visiting Another Jurisdiction

SUMMARY: This bill amends the Maine sales tax law to ensure that Maine school groups traveling outside the State may take advantage of sales tax exemptions in the jurisdiction visited.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. McNeil of Rockland

LR: 2264

TITLE: An Act To Prevent Convicted Felons from Possessing Firearms

SUMMARY: The purpose of this bill is to prohibit convicted felons from possessing firearms. Under this bill, the Commissioner of Public Safety would no longer have discretion to allow a convicted felon to possess firearms 5 years after the felon is released from prison.

SPONSOR: Rep. Mills of Cornville

LR: 2463

TITLE: An Act To Amend the Laws Governing Free Care Provided by Hospitals

SUMMARY: This bill amends the laws governing free care provided by hospitals.

SPONSOR: Sen. Mitchell of Penobscot

LR: 2636

TITLE: An Act to Promote Campground Recreation in Maine

SUMMARY: This bill promotes campground recreation by exempting campgrounds from site location of development laws.

SPONSOR: Sen. Nass of York

LR: 2362

TITLE: An Act To Authorize Certain Flexibility in Zoning

SUMMARY: Under current law a structure located within a shoreland overlay district can not be expanded by more than 30% of the existing footprint. This bill would give zoning boards discretion to deviate from that 30% limitation depending on the size of the lot at issue.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Rines of Wiscasset

LR: 2421

TITLE: An Act To Prohibit the Sale of Gasoline That Is Reformulated with MTBE

SUMMARY: This bill would prohibit the sale of gasoline that is reformulated with MTBE.

TED LEGISLATOR REQ: LR 2298 - HUTTON

SPONSOR: Sen. Savage of Knox

LR: 2381

TITLE: An Act To Amend the Charter of the Tenants Harbor Standard Water District

SUMMARY: This legislation clarifies the obligations of the Department of Environmental Protection regarding the design, engineering and installation of a public water system in Tenants Harbor.

SPONSOR: Rep. Sherman of Hodgdon

LR: 2475

TITLE: An Act To Exempt Consumer-owned Utilities from Energy Conservation Programs

SUMMARY: This bill would exempt consumer-owned utilities from energy conservation programs and the assessment placed on utilities for funding of conservation programs.

TED LEGISLATOR REQ: LR 2513 - SHERMAN

TED LEGISLATOR REQ: LR 2549 - SHERMAN

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Sherman of Hodgdon

LR: 2549

TITLE: An Act To Amend the Assessments Paid by Transmission and Distribution Utilities for Conservation Programs

SUMMARY: This bill would change the assessments paid by transmission and distribution utilities for funding energy conservation programs implemented by the Public Utilities Commission. This bill would establish an assessment for industrial electric consumers based on peak demand, exempt island electric utilities and vary the assessment rate depending on the utility's production.

TED LEGISLATOR REQ: LR 2475 - SHERMAN

TED LEGISLATOR REQ: LR 2513 - SHERMAN

SPONSOR: Rep. Shields of Auburn

LR: 2237

TITLE: An Act To Repeal Changes to the Certificate of Need Program

SUMMARY: This bill would repeal the expansion of the certificate of need program that was enacted as part of Dirigo Health.

TED CARRYOVERS: LD(S) 584

SPONSOR: Sen. Stanley of Penobscot

LR: 2365

TITLE: An Act To Prohibit the Introduction in Maine of Mercury Intended for Use in a Dental Filling

SUMMARY: This bill would prohibit the introduction in Maine of mercury intended for use in a dental filling.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Rep. Trahan of Waldoboro

LR: 2223

TITLE: An Act To Impose Liability for the Illegal or Improper
Transfer of State Funds

SUMMARY: This bill will hold accountable any employee who knowingly
participates in the sheltering or hiding of departmental
money. The employee would be liable both criminally and
financially.

SPONSOR: Rep. Trahan of Waldoboro

LR: 2405

TITLE: An Act To Enhance Highway Safety

SUMMARY: This bill would create the new crime of causing serious
bodily injury while operating a motor vehicle.

SPONSOR: Rep. Trahan of Waldoboro

LR: 2455

TITLE: An Act To Amend the Law Pertaining to the Discharge of a
Firearm near a Dwelling

SUMMARY: This bill would clarify the law that prohibits discharging
a firearm within 100 yards near a dwelling to specify that
"dwellings" includes livestock barns.

121ST LEGISLATURE - SECOND SESSION
APPEALED BILL REQUESTS

SPONSOR: Sen. Weston of Waldo

LR: 2378

TITLE: An Act To Amend the Maine Workers' Compensation Act of
1992 Regarding Payments Pending Appeal

SUMMARY: This bill would amend the Maine Workers' Compensation Act
of 1992 to provide that, pending appeal of a decision of a
hearing officer to the Workers' Compensation Board,
compensation payments may be deferred until a final
decision of the board has been reached.

SPONSOR: Sen. Youngblood of Penobscot

LR: 2415

TITLE: An Act To Require a Legal Notice Be Served on a Pet Owner
before a Pet May Be Taken from the Owner

SUMMARY: This bill requires that a legal notice be served on a pet
owner before a pet may be taken from the owner.
