

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 999

8 H.P. 769

House of Representatives, March 3, 1983

9 Submitted by the Department of Educational and Cultural Services pur-
10 suant to Joint Rule 24.

11 On Motion of Representative Locke of Sebec referred to the Committee
on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative Andrews of Portland.

12 Cosponsors: Representative Ketover of Portland, Representative Murphy
of Kennebunk and Senator Hayes of Penobscot.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT to Remove the Superintendent of
19 the Governor Baxter School for the Deaf from
20 Classified Service and Clarify the Law
21 Relating to State Educational Personnel.
22

23 **Emergency preamble.** Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, the Governor Baxter School for the Deaf
27 is operating with an acting superintendent and it is
28 essential that this legislation be in place before a
29 permanent superintendent is appointed; and

30 Whereas, the current language is archaic as it
31 applies to other state institutions, creating unnec-
32 essary confusion and uncertainty; and

33 Whereas, in the judgment of the Legislature these
34 facts create an emergency within the meaning of the
35 Constitution of Maine and require the following

1 legislation as immediately necessary for the preser-
2 vation of the public peace, health and safety; now,
3 therefore

4 Be it enacted by the People of the State of Maine as
5 follows:

6 5 MRSa §711, sub-§1, ¶H, as repealed and replaced
7 by PL 1977, c. 674, §6, is amended to read:

8 H. Officers and employees of the unorganized
9 territory school system and the teachers and,
10 principals, nonclerical administrative personnel
11 of the school systems in state vocational schools
12 vocational-technical institutes, the Governor
13 Baxter School for the Deaf and state insti-
14 tutions; and

15 **Emergency clause.** In view of the emergency cited
16 in the preamble, this Act shall take effect when
17 approved.

18 STATEMENT OF FACT

19 This bill accomplishes 3 major purposes.

20 The bill transfers the Superintendent of the Gov-
21 ernor Baxter School for the Deaf from classified ser-
22 vice to the unclassified service, similar to the
23 status of other similar positions and the status of
24 the teaching staff at the school. The change to the
25 unclassified service will allow greater flexibility
26 in appointment of the superintendent, while still
27 providing the protection of the State Personnel Board
28 for removal.

29 The bill also clarifies and updates language to
30 conform to existing personnel practice which recog-
31 nizes that professional administrators, as well as
32 teachers, at the vocational-technical institutes are
33 members of the unclassified service. The term
34 "vocational-technical institute" is consistent with
35 other statutes. The term "nonclerical administrative
36 personnel" includes directors, deans, business man-
37 agers and other nonclerical positions at the
38 vocational-technical institutes. The term "principal"

1 is no longer used at the vocational-technical insti-
2 tutes. This change is consistent with an opinion of
3 the Attorney General on November 23, 1982 and is
4 intended only to codify existing practice, but not to
5 change the present status of any positions.

6 The Governor Baxter School for the Deaf is
7 explicitly listed as a school, which falls within
8 this provision, consistent with existing practice.

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