

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. 1276

7
8 H.P. 975

House of Representatives, March 22, 1983

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

9 Referred to the Committee on Education. Sent up for concurrence and ordered printed. EDWIN H. PERT, Clerk

10 Presented by Representative Ketover of Portland.

11 Cosponsors: Senator Hichens of York, Representative Thompson of So. Portland and Senator Hayes of Penobscot.

12 STATE OF MAINE
13

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

17 AN ACT Relating to the Appointment
18 of the Board of Visitors of the Governor
19 Baxter School for the Deaf.
20

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

24 Whereas, it has been recognized that the input of
25 private citizens regarding the operation of the Gov-
26 ernor Baxter School for the Deaf is important to the
27 school's function and the need for a Board of Visi-
28 tors to be appointed immediately; and

29 Whereas, in the judgment of the Legislature,
30 these facts create an emergency within the meaning of
31 the Constitution of Maine and require the following
32 legislation as immediately necessary for the preser-
33 vation of the public peace, health and safety; now,
34 therefore,

35 Be it enacted by the People of the State of Maine as
36 follows:

1 Sec. 1. 20 MRSA §3122, sub-§4, as amended by PL
2 1977, c. 325, §1, is further amended to read:

3 4. Governor Baxter School for the Deaf. The Gov-
4 ernor Baxter School for the Deaf, established by
5 chapter 446 of the private and special laws of 1897
6 and by chapter 44 of the private and special laws of
7 1953, is to be devoted to the education and instruc-
8 tion of deaf children. The school shall be located in
9 the County of Cumberland and the State shall have the
10 entire charge, responsibility and expense of main-
11 taining the school. The government of the school is
12 vested in the Department of Educational and Cultural
13 Services, which shall have charge of the general
14 interests of the school and shall see that its
15 affairs are conducted in accordance with law. The
16 department may employ officers, teachers and other
17 employees as it may deem advisable subject to the
18 Personnel Law. The department may prescribe the sys-
19 tem of education and course of study to be pursued in
20 the school.

21 Any child between the ages of 5 and 20 years, as de-
22 fined in section 3123, subsection 1, diagnosed as
23 deaf, shall be educated with regular students when-
24 ever possible and shall be educated under the prin-
25 ciple of the least restrictive educational alterna-
26 tive as set forth in state and federal laws and regu-
27 lations.

28 The superintendent of the administrative unit in
29 which such child resides, with the consent of the
30 child's parent or legal guardian may enroll such
31 child in the Governor Baxter School for the Deaf and
32 the sums necessary for the support of such child
33 while attending the school shall be paid by the
34 Department of Educational and Cultural Services in
35 accordance with its guidelines and regulations.

36 It shall be the responsibility of the Governor Baxter
37 School for the Deaf to provide annual evaluation of
38 all children enrolled in the school. These evalu-
39 ations shall be sent to the superintendents of the
40 administrative units from which such children are
41 enrolled. Each administrative unit may request tech-
42 nical assistance from the Governor Baxter School for
43 the Deaf in matters relating to the education of deaf

1 children in accordance with guidelines and regula-
2 tions of the department.

3 The Governor shall appoint a Board of Visitors to
4 review and make recommendations relative to the man-
5 agement of the Governor Baxter School for the Deaf.
6 The board shall have access to the school, but shall
7 not be authorized to participate in the administra-
8 tion of the day-to-day operations of the school. The
9 board shall make annual recommendations to the com-
10 missioner relative to the management of the school
11 with copies being sent to the members of the joint
12 standing committee of the Legislature having juris-
13 isdiction over education.

14 The members of the board shall be appointed for ro-
15 tating 3-year terms. The initial appointments shall
16 be 2 members for 3 years, 2 members for 2 years, and
17 one member for one year. All future appointments
18 shall be for 3-year terms. No member of the Legis-
19 lature may serve on the board. The board shall serve
20 without compensation.

21 Sec. 2. 20-A MRSA §7503, sub-§8 is enacted to
22 read:

23 8. Board of Visitors. The Governor shall
24 appoint a Board of Visitors to review and make recom-
25 mendations relative to the management of the Governor
26 Baxter School for the Deaf. The members of the board
27 shall be appointed for rotating 3-year terms. The
28 initial appointments shall be 2 members for 3 years,
29 2 members for 2 years and one member for one year.
30 All future appointments shall be for 3-year terms.
31 No member of the Legislature may serve on the board.
32 The board shall serve without compensation. The
33 board shall:

34 A. Have access to the school, but shall not be
35 authorized to participate in the administration
36 of the day-to-day operations of the school; and

37 B. Make annual recommendations to the commis-
38 sioner relative to the management of the school
39 with copies being sent to the members of the
40 joint standing committee of the Legislature hav-
41 ing jurisdiction over education.

