

# MAINE STATE LEGISLATURE

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L.D. 1620

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DATE: 4/27/00

(Filing No. S- 770)

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1135, L.D. 1620, "Resolve, to Extend the Statute of Limitations for Victims of Abuse at the Governor Baxter School for the Deaf"

Amend the amendment by striking out everything after the 2nd indented paragraph after the title and inserting in its place the following:

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf needs to begin working before July 1, 2000; and

**Whereas,** there continues to be a need for oversight of the ongoing multiagency efforts of the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**PART A**

**SENATE AMENDMENT**

ANS

2           **Sec. A-1. Reports. Resolved:** That the Department of  
Education, the Department of Labor, the Department of Human  
4           Services and the Department of Mental Health, Mental Retardation  
and Substance Abuse Services shall continue their multiagency  
6           efforts begun in 1999 to address the response to abuse of  
students at the Governor Baxter School for the Deaf and the  
8           provision of services to the deaf community. The departments  
shall jointly report to the joint standing committee of the  
10          Legislature having jurisdiction over judiciary matters by August  
1, 2000 and January 31, 2001. The reports must include:

12           1. The number of allegations of abuse at the Governor  
Baxter School for the Deaf, the number of abuse investigations  
14          undertaken and the action taken in each instance;

16           2. Progress reports on the actions taken in furtherance of  
the goals identified in the matrix presented to the Joint  
18          Standing Committee on Judiciary in January 2000; and

20           3. An update of the matrix to show the progress.

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**PART B**

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26           **Sec. B-1. Committee established. Resolved:** That the Committee  
to Develop a Compensation Program for Victims of Abuse at the  
28          Governor Baxter School for the Deaf, referred to in this Part as  
the "committee," is established; and be it further

30           **Sec. B-2. Members; chair. Resolved:** That the committee  
consists of 5 members appointed as follows:

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34           1. Two members of the Senate, appointed by the President of  
the Senate. The first named Senate member is the Senate chair of  
the committee; and

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38           2. Three members of the House of Representatives, appointed  
by the Speaker of the House of Representatives. The first named  
40          House member is the House chair of the committee; and be it  
further

42           **Sec. B-3. Appointments. Resolved:** That all appointments must  
be made no later than 30 days following the effective date of  
44          this resolve. The appointing authorities shall notify the  
Executive Director of the Legislative Council upon making their  
46          appointments. When the appointment of all members is complete,  
the committee chair shall call and convene the first meeting of  
48          the committee no later than June 30, 2000; and be it further

R.O.S.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1135,  
L.D. 1620

**Sec. B-4. Duties. Resolved:** That the committee shall develop a  
compensation program for victims of abuse at the Governor Baxter  
School for the Deaf.

1. In developing the program, the committee shall:

A. Review existing compensation programs in other states  
and countries;

B. Review federal compensation programs;

C. Consult with recognized experts and participants in  
other compensation programs;

D. Consult with the deaf community, including former  
students and staff at the Governor Baxter School for the  
Deaf; and

E. Consider the need to use confidential records in the  
compensation program.

2. The committee may hold one or more public hearings.

3. The program must include at least the following elements:

A. The best method of determining compensation, which may  
be a hearing officer, panel or other method;

B. A recommendation on how the person or persons making the  
compensation determinations are selected or appointed;

C. The process to be used to determine individual  
compensation awards;

D. Provisions for staff to help complainants develop their  
claims for presentation for consideration;

E. Provisions for counselors and other support services to  
assist complainants;

F. A timeframe for the establishment of the compensation  
program and the decision-making process and for the  
consideration of claims and issuance of final payments;

G. A process for making recommendations for changes in the  
process to the Legislature;

H. Rules or guidelines to ensure that deaf and  
hard-of-hearing persons can fully communicate and  
participate in the process; and

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2 I. Any other elements the committee determines to be  
4 appropriate; and be it further

6 **Sec. B-5. Staff assistance. Resolved:** That upon approval of the  
8 Legislative Council, the Office of Policy and Legal Analysis  
shall provide necessary staffing services to the committee; and  
be it further

10 **Sec. B-6. Reimbursement. Resolved:** That the committee  
12 members are entitled to receive the legislative per diem and  
reimbursement of necessary expenses for their attendance at  
14 authorized meetings of the committee; and be it further

16 **Sec. B-7. Report; extension. Resolved:** That the committee shall  
18 submit its report with any accompanying legislation to the First  
Regular Session of the 120th Legislature by November 1, 2000. If  
the committee requires a limited extension of time to conclude  
its study and make its report, it may apply to the Legislative  
20 Council, which may grant the extension; and be it further

22 **Sec. B-8. Termination. Resolved:** That upon submission of its  
24 report, the committee terminates; and be it further

26 **Sec. B-9. Budget. Resolved:** That the committee chair with  
assistance from the committee staff shall administer the  
committee's budget. Within 10 days after its first meeting, the  
28 committee shall present a work plan to the Legislative Council  
for approval. The committee may not incur expenses that would  
30 result in the committee's exceeding its approved budget; and be  
it further

32 **Sec. B-10. Appropriation. Resolved:** That the following funds  
34 are appropriated from the General Fund to carry out the purposes  
of this Part.

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38 **2000-01**

40 **LEGISLATURE**

42 **Committee to Develop a Compensation**  
44 **Program for Victims of Abuse at the**  
**Governor Baxter School for the Deaf**

46	Personal Services	\$2,200
	All Other	29,500

48 Provides funds for the per diem and expenses  
of legislative members of the Committee to

*RWS*

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1135,  
L.D. 1620

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Develop a Compensation Program for Victims  
of Abuse at the Governor Baxter School for  
the Deaf, for costs related to consulting  
with compensation program experts, for  
public hearing costs and to print the  
required report.

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**LEGISLATURE  
TOTAL**

\$31,700

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**Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.'

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**SUMMARY**

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This amendment clarifies the naming of cochairs and changes  
the convening date of the Committee to Develop a Compensation  
Program for Victims of Abuse at the Governor Baxter School for  
the Deaf and to Continue Oversight of Multiagency Cooperation.

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SPONSORED BY: *Michael H. Michaud*  
(Senator MICHAUD)

26

COUNTY: Penobscot

*JB*

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**SENATE AMENDMENT**