

# MAINE STATE LEGISLATURE

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R. O. S.

L.D. 1620

DATE: 3-30-00

(Filing No. H- 979)

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**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

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 resolve by striking out the title and substituting the following:

**'Resolve, to Establish 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'**

Further amend the resolve by striking out everything after the title and before the summary 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; 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**

**COMMITTEE AMENDMENT**

A of 8

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**PART A**

**Sec. A-1. Reports. Resolved:** That 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 shall continue their multiagency efforts begun in 1999 to address the response to abuse of students at the Governor Baxter School for the Deaf and the provision of services to the Deaf community. The departments shall jointly report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by August 1, 2000 and January 31, 2001. The reports must include:

- 1. The number of allegations of abuse at the Governor Baxter School for the Deaf, the number of abuse investigations undertaken and the action taken in each instance;
- 2. Progress reports on the actions taken in furtherance of the goals identified in the matrix presented to the Joint Standing Committee on Judiciary in January 2000; and
- 3. An update of the matrix to show the progress.

**PART B**

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

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

- 1. Two members of the Senate, appointed by the President of the Senate; and
- 2. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives. The first named House member is the committee chair; and be it further

**Sec. B-3. Appointments. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the committee chair shall call and convene the first meeting of the committee no later than May 15, 2000; and be it further

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

6           1. In developing the program, the committee shall:

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

10           B. Review federal compensation programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 2000-01

42 **LEGISLATURE**

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

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

# COMMITTEE AMENDMENT

2 Provides funds for the per diem and expenses  
4 of legislative members of the Committee to  
6 Develop a Compensation Program for Victims  
8 of Abuse at the Governor Baxter School for  
10 the Deaf, for costs related to consulting  
12 with compensation program experts, for  
14 public hearing costs and to print the  
16 required report.

10 **LEGISLATURE**  
12 **TOTAL** \$31,700

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

18 Further amend the resolve by inserting at the end before the  
20 summary the following:

22 **FISCAL NOTE**

24 This resolve includes a General Fund appropriation of  
26 \$31,700 in fiscal year 2000-01 for the Legislature for the per  
28 diem and expenses of legislative members of the Committee to  
30 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.

32 The additional costs associated with providing staffing  
34 assistance to the committee during the interim between  
36 legislative sessions can be absorbed by the Legislature utilizing  
38 existing budgeted resources. If an extension of the reporting  
deadline is granted and the committee requires staffing  
assistance during the legislative session, the Legislature may  
require an additional General Fund appropriation to contract for  
staff services.

40 The additional costs associated with reporting on the  
42 multiagency efforts can be absorbed by the Department of  
44 Education, the Department of Labor, the Department of Human  
46 Services and the Department of Mental Health, Mental Retardation  
and Substance Abuse Services utilizing existing budgeted  
resources.'

48 **SUMMARY**

50 This amendment replaces the original resolve.

2 This amendment requires reports from 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 concerning their multiagency efforts  
6 to address the response to abuse of students at the Governor  
Baxter School for the Deaf and the provision of services to the  
8 Deaf community. Reports are due by August 1, 2000 and January  
31, 2001.

10 This amendment also establishes a 5-member committee, made  
up of Legislators, to develop a compensation program for victims  
12 of abuse at the Governor Baxter School for the Deaf. It lists  
14 specific items that must be considered in the study process and  
elements that must be included in the program. It includes  
16 resources to make use of consultants and participants from other  
compensation programs.

18 The study committee must report to the First Regular Session  
20 of the 120th Legislature by November 1, 2000 with any  
implementing legislation.

22 The amendment also adds an appropriation section and a  
24 fiscal note to the resolve.