

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2394

H.P. 1688

House of Representatives, January 10, 2000

**An Act to Allow Limited Access to Information Relating to Investigation
of Abuse at the Governor Baxter School for the Deaf.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative THOMPSON of Naples.
Cosponsored by Representatives: MADORE of Augusta, SCHNEIDER of Durham, Senators:
LONGLEY of Waldo, TREAT of Kennebec.

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

4 Whereas, the Joint Standing Committee on Judiciary, through
6 its subcommittee, has been reviewing information relating to
abuse claims by students of the Governor Baxter School for the
8 Deaf; and

10 Whereas, much information, including records, relating to
previous investigations of abuse at the school is confidential;
12 and

14 Whereas, it is important that the investigative
information be reviewed while the Joint Standing Committee on
16 Judiciary is developing a response to the claims of abuse; and

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

24 **Be it enacted by the People of the State of Maine as follows:**

26 **Sec. 1. Access to information.** Notwithstanding any Maine law
prohibiting or limiting access to information, including records,
28 described in this Act, the members of the Joint Standing
Committee on Judiciary, referred to in this Act as the
30 "committee," may review such information solely for the purposes
stated in this Act.

32 **Sec. 2. Process.** Review of the records must proceed as
34 follows.

36 1. The members of the committee may review the information
and may not disclose the contents except as provided in this
38 Act. The committee shall treat all the information as
confidential, unless otherwise instructed by the Attorney General
40 or the court.

42 2. The following persons have the same access to the
information, including records, subject to this Act as the
44 committee and have the right to be present at executive sessions
held by the committee: nonpartisan staff assigned to the
46 committee, the Office of the Attorney General and other persons
identified by the committee as being involved in previous
48 investigations. A person who has access to confidential
information and records under this Act may not make any
50 disclosure outside of the executive session.

2 3. The committee may use the information in drafting a
report, recommendations and legislation as long as this is done
4 in a manner that does not directly or indirectly identify any
Governor Baxter School for the Deaf student or student's family
6 member, unless the student or family member has consented to such
use in writing. Discussion of identifying information may occur
8 only in executive session pursuant to the Maine Revised Statutes,
Title 1, section 405, subsection 6, paragraph F and this Act.

10 4. The committee shall at all times keep the records in a
12 safe place to which the public does not have access.

14 5. The committee shall complete review of the information
by April 15, 2000.

16 6. When the committee has completed its review of records,
18 the committee shall return the records to the provider of the
records.

20 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved.

24
26
SUMMARY

28 This bill gives the Joint Standing Committee on Judiciary
30 access to information, including records, relating to any
investigation of abuse that occurred at the Governor Baxter
32 School for the Deaf, notwithstanding applicable confidentiality
laws.

34 This bill establishes the basic process of review of the
36 records to ensure that confidential records and information are
not disclosed beyond the committee, its nonpartisan staff and the
38 Office of the Attorney General.