

MAINE STATE LEGISLATURE

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12.012

L.D. 768

DATE: 5-15-03

(Filing No. S-164)

JUDICIARY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 263, L.D. 768, Bill, "An Act To Improve the Administration of the Baxter Compensation Program"

Amend the bill by inserting before the enacting clause the following:

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

Whereas, the compensation panel of the Baxter Compensation Program has begun processing claims for compensation for persons abused while students at the Governor Baxter School for the Deaf or the Maine School for the Deaf; and

Whereas, the current law could be read to require the release to the public of the details of the abuse that each claimant suffered; and

Whereas, keeping the details of abuse confidential is seen as necessary for some survivors of the abuse to come forward and is important in continuing the healing process without jeopardizing the health and welfare of the deaf community; 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,'

COMMITTEE AMENDMENT

1008

COMMITTEE AMENDMENT "A" to S.P. 263, L.D. 768

2 Further amend the bill by striking out all of section 2 and
inserting in its place the following:

4
6 'Sec. 2. 5 MRSA §22002, sub-§8, as enacted by PL 2001, c. 439,
Pt. T, §5, is amended to read:

8 8. Use of trust fund. The authority may use up to 15%
10 \$407,000 of the trust fund for administrative expenses in each
12 fiscal year, except that the total amount of the trust fund that
may be used for administrative expenses for the duration of the
program may not exceed \$1,500,000.'

14 Further amend the bill by inserting at the end before the
summary the following:

16 'Emergency clause. In view of the emergency cited in the
18 preamble, this Act takes effect when approved.'

20 SUMMARY

22 This amendment revises the cap on administrative expenses
24 for the Baxter Compensation Authority. Current law limits the
26 administrative expenses to 15% of the trust fund each year; the
bill deletes the cap altogether. This amendment limits the
28 expenses to \$407,000 per fiscal year, which is the total of the
first-year costs estimated by the authority in its report of
30 January 15, 2003, except that the authority is limited by an
overall cap on administrative expenses. Over the course of the
32 operation of the program, the maximum amount of the trust fund
that can be used for administrative expenses is \$1,500,000.

34 FISCAL NOTE REQUIRED
36 (See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 768

An Act to Improve the Administration of the Baxter Compensation Program

LR 1171(02)

Fiscal Note for Bill as Amended by Committee Amendment *AS-164*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact - Other Special Revenue Funds

Fiscal Detail and Notes

This bill changes the amount of funds to be used for administrative expenses from 15% of the trust fund to \$407, 000 in each fiscal year. The total amount for the duration of the program may not exceed \$1,500,000. Expenses for administrative costs reduce the amount available for claims for compensation.