

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 981

H.P. 691

House of Representatives, February 24, 2005

An Act To Change the Name of the Governor Baxter School for the Deaf

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative CUMMINGS of Portland.

Cosponsored by Representatives: FISCHER of Presque Isle, SMITH of Monmouth.

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

4 **Sec. 1. 20-A MRSA c. 304**, as amended, is further amended by
6 repealing the chapter headnote and enacting the following in its
8 place:

10 **CHAPTER 304**

12 **MAINE EDUCATIONAL CENTER FOR THE DEAF**
14 **AND HARD OF HEARING**

16 **Sec. 2. 20-A MRSA §7401**, as amended by PL 1999, c. 775, §1,
18 is further amended to read:

20 **§7401. School established**

22 The ~~Governor-Baxter-School-for-the-Deaf~~ Maine Educational
24 Center for the Deaf and Hard of Hearing is established as a
26 public school pursuant to this chapter for the purpose of
28 educating deaf and hard-of-hearing students. The school is a
30 body politic and corporate and is an instrumentality and agency
32 of the State. The exercise by the school of the powers conferred
34 by this chapter is the performance of an essential public
36 function by and on behalf of the State.

38 **Sec. 3. 20-A MRSA §7402**, as amended by PL 1999, c. 775, §3,
40 is further amended to read:

42 **§7402. Definitions**

44 As used in this chapter, unless the context otherwise
46 indicates, the following terms have the following meanings.

48 **1. School.** "School" means the ~~Governor-Baxter-School-for-~~
~~the-Deaf~~ Maine Educational Center for the Deaf and Hard of
Hearing established under this chapter, including the center
school located at Mackworth Island known as the Governor Baxter
School for the Deaf and any satellite school within the State
that may be operated under a contracted services agreement.

2. School board. "School board" means the School Board of
the ~~Governor-Baxter-School-for-the-Deaf~~ Maine Educational Center
for the Deaf and Hard of Hearing.

3. Sending school. "Sending school" means any school
administrative unit that has a student in attendance at the
~~Governor-Baxter-School-for-the-Deaf~~ Maine Educational Center for
the Deaf and Hard of Hearing.

2 **4. Superintendent.** "Superintendent" means the
Superintendent of the ~~Governor-Baxter-School-for-the-Deaf~~ Maine
Educational Center for the Deaf and Hard of Hearing.

4
6 **5. Center school.** "Center school" means the programs
established and operated by the ~~Governor-Baxter-School-for-the~~
Deaf Maine Educational Center for the Deaf and Hard of Hearing at
8 the Governor Baxter School for the Deaf located at Mackworth
Island, including the residential program, day school program,
10 statewide consultation and outreach programs, parent-infant
program, preschool program, communication garden program,
12 distance education program and community education program.

14 **6. Satellite school.** "Satellite school" means the
programs, including a residential program, day school programs,
16 early childhood programs and outreach programs, that are located
near the population centers of deaf and hard-of-hearing students
18 within the State established by the School Board of the ~~Governor~~
~~Baxter-School-for-the-Deaf~~ Maine Educational Center for the Deaf
20 and Hard of Hearing.

22 **Sec. 4. 20-A MRSA §7406, first ¶,** as enacted by PL 1995, c.
676, §5, is amended to read:

24
26 The School Board of the ~~Governor-Baxter-School-for-the-Deaf~~
Maine Educational Center for the Deaf and Hard of Hearing is
established as the policy-making authority and the governing body
28 of the school.

30 **Sec. 5. 20-A MRSA §7407, sub-§4-A,** as amended by PL 1999, c.
790, Pt. L, §1 and affected by §2, is further amended to read:

32 **4-A. Budget development.** The school board shall, with the
34 aid of the superintendent and staff, prepare an annual budget for
the operation of the school and exercise budgetary
36 responsibility. The school board shall allocate for expenditure
by the school and programs under its jurisdiction all the
38 resources available for the operation of the school and its
programs. Annually, not later than January 1st, beginning for
40 fiscal year 2001-02, in addition to complying with the provisions
of Title 5, sections 1665 and 1666, the school board shall
42 present the administrative operating budget for the ~~Governor~~
~~Baxter-School-for-the-Deaf~~ Maine Educational Center for the Deaf
44 and Hard of Hearing to the Governor and the Legislature for
review by the joint standing committee of the Legislature having
46 jurisdiction over education matters. The administrative
operating budget must be presented as a line-item budget for each
48 of the programs under its jurisdiction. A liability or
obligation may not be incurred under this chapter beyond the
50 amount approved in the administrative operating budget. The

2 school board may make expenditures only in accordance with
3 allocations approved by the Legislature. Any balance of an
4 allocation or subdivision of an allocation made by the
5 Legislature for the school that at the time is not required for
6 the purpose named in the allocation or subdivision may be
7 transferred prior to the closing of the books for the fiscal year
8 to any other allocation or subdivision of any allocation made by
9 the Legislature for the use of the school for the same fiscal
10 year. The transfer is subject to review by the joint standing
11 committee of the Legislature having jurisdiction over
12 appropriations and financial affairs. Financial statements
13 describing the transfer must be submitted by the school board to
14 the Office of Fiscal and Program Review 30 days before the
15 transfer is implemented. In case of extraordinary emergency
16 transfers, the 30-day prior submission requirement may be waived
17 by vote of the committee. These financial statements must
18 include information specifying the accounts that are affected,
19 the amounts to be transferred, a description of the transfer and
20 a detailed explanation of the reason the transfer is needed. The
21 school board shall also provide an annual justification for the
22 finances and operations of the programs under the jurisdiction of
23 the school to the joint standing committee of the Legislature
24 having jurisdiction over appropriations and financial affairs and
25 the joint standing committee of the Legislature having
26 jurisdiction over education matters. The justification for the
27 finances and operations of the school must be presented as a
28 line-item budget for each of the programs under its jurisdiction.

29 **Sec. 6. 20-A MRSA §7407, sub-§17**, as amended by PL 1999, c.
30 775, §11, is further amended to read:

31 **17. School programs.** The school board may create, maintain
32 and expand center school programs and programs for children that
33 may be served by the school at any satellite school. For the
34 2000-01 and 2001-02 school years only, the residential program at
35 the Governor Baxter School for the Deaf located on Mackworth
36 Island is limited to enrolling up to 20 students who are deaf or
37 hard-of-hearing. The superintendent may request that the
38 commissioner approve a waiver of the residential enrollment limit
39 and establish additional placements for students in the
40 residential program at the Governor Baxter School for the Deaf
41 located on Mackworth Island; the commissioner may approve those
42 placements on a case-by-case basis and only if the individual
43 education plan of the prospective student who is deaf or
44 hard-of-hearing requires placement in a residential program.
45 Beginning with the 2002-03 school year, the school board shall
46 establish a satellite school program that offers an array of
47 educational programs that provide students who are deaf or
48 hard-of-hearing with geographically convenient access to

2 placement options that may be required by their individualized
education program.

4 **Sec. 7. 20-A MRSA §7412**, as amended by PL 2001, c. 429, Pt.
T, §§6 and 7, is further amended to read:

6
8 **§7412. Maine Educational Center for Deaf and Hard of Hearing
Student Trust Fund established**

10 **1. Fund established.** Notwithstanding the provisions of
Title 5, section 135-A, the ~~Governor-Baxter-School-for-the-Deaf~~
12 Maine Educational Center for the Deaf and Hard of Hearing Student
Trust Fund, referred to in this section as "the "fund," is
14 established.

16 **2. Investment of funds.** The money in the fund may be
invested by the Treasurer of State with the assistance of one or
18 more fiduciaries or registered investment advisors. The duties
and expenses of the fiduciaries or registered investment advisors
20 must be handled in a manner consistent with Title 5, section
17108, subsections 2 and 3. All earnings must be credited to the
22 fund.

24 **3. Nonlapsing fund; transfer to General Fund.** Until July
1, 2007, any unexpended funds remaining in the fund may not lapse
26 but must be carried forward for the benefit of the fund. On July
1, 2007, any unexpended funds remaining in the fund must be
28 transferred to the General Fund.

30 **Sec. 8. Maine Revised Statutes amended; revision clause.** Wherever
in the Maine Revised Statutes the words "Governor Baxter School
32 for the Deaf" appear or reference is made to the entity or those
words, those words are amended to read or mean, as appropriate,
34 "Maine Educational Center for the Deaf and Hard of Hearing," and
the Revisor of Statutes shall implement this revision when
36 updating, publishing or republishing the statutes.

38
40 **SUMMARY**

42 This bill changes the name of the Governor Baxter School for
the Deaf to the Maine Educational Center for the Deaf and Hard of
44 Hearing but retains the old name for the center school on
Mackworth Island. The name change is intended to better reflect
46 the range of services provided to the deaf and hard-of-hearing
pursuant to state law.