

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2000

CHAPTER 127

H.P. 1135 - L.D. 1620

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

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

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. The first named Senate member is the Senate chair of the committee; 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 House chair of the committee; 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 June 30, 2000; and be it further

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

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

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

Sec. B-7. Report; extension. Resolved: That the committee shall 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 Council, which may grant the extension; and be it further

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

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 committee shall present a work plan to the Legislative Council for

approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget; and be it further

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

2000-01

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

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

Provides funds for the per diem and expenses of legislative members of the Committee to 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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TOTAL	\$31,700
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective May 10, 2000.

CHAPTER 128

S.P. 973 - L.D. 2519

Resolve, to Improve Access to Technical Education and Ensure a Skilled Work Force

Preamble. Whereas, studies consistently show that the economic prosperity of citizens in the State is tied directly to their level of education; and

Whereas, studies consistently show that the State must graduate substantially more college students in order to compete in the new international and technical economy; and