

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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J.S. McCarthy Company
Augusta, Maine
1999

JOINT STUDY ORDERS

JOINT STUDY ORDER TO ESTABLISH THE TASK FORCE TO STUDY THE IMPLEMENTATION OF ALTERNATIVE PROGRAMS AND INTERVENTIONS FOR VIOLENT AND CHRONICALLY DISRUPTIVE STUDENTS

S.P. 598

ORDERED, the House concurring, that the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students is established as follows.

1. Task force established. The Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students, referred to in this order as the "task force," is established.

2. Task force membership. The task force consists of 9 members appointed as follows.

A. The President of the Senate shall appoint 3 members from the Senate: one member who serves on the Joint Standing Committee on Education and Cultural Affairs; one member who serves on the Joint Standing Committee on Criminal Justice; and one member who serves on the Joint Standing Committee on Health and Human Services.

B. The President of the Senate shall appoint 3 public members to the task force, one from each of the following interested parties:

(1) One person who is currently employed at a public school in the State who has specific expertise, knowledge, background and oversight of violence prevention and intervention programs and alternative education settings;

(2) One person who is currently contracted as a human services or mental health professional in a local or regional school-linked, community-based partnership who has specific expertise, knowledge, background and oversight of violence prevention and intervention programs and alternative community placements; and

(3) One person who is currently involved as a public school student in a school-based peer mediation team or civil rights team with specific knowledge of and background

in violence prevention and intervention programs, including conflict resolution education.

C. The Speaker of the House of Representatives shall appoint 3 members from the House of Representatives: one member who serves on the Joint Standing Committee on Education and Cultural Affairs; one member who serves on the Joint Standing Committee on Criminal Justice; and one member who serves on the Joint Standing Committee on Health and Human Services.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening task force. All appointments must be made no later than 30 days following the effective date of this order. 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 chairs of the task force shall call and convene the first meeting of the task force no later than June 15, 1999.

5. Duties. The task force shall:

A. Study the availability of a continuum of interventions for violent and chronically disruptive students, including the existence of positive behavioral supports in classrooms, the availability of alternative educational settings for disruptive students and alternative community placements;

B. Recommend a plan and strategies to develop an appropriate continuum of interventions for violent and chronically disruptive students;

C. Request, as appropriate, the assistance of: the Department of Education; the Department of Human Services; the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Department of Corrections; the Department of the Attorney General; the Chief Judge of the District Court; the Department of Public Safety; the University of Maine System; and other appropriate state agencies and educational institutions;

D. Invite the participation of experts and interested parties, including individuals affiliated with: the Communities for Children Initiative of the Governor's Children's Cabinet; the Children's Mental Health Oversight Committee; the Juvenile Justice Advisory Group; the Maine Chiefs of

Police Association; the Maine Sheriff's Association; Drug Abuse Resistance Education Programs (DARE); Youth Alternatives, Incorporated; the Maine Council of Churches; the Excellence in Citizen Education Through the Law Program (EXCEL) at the University of Maine Law School; and the Peace Studies Program at the University of Maine; and

E. Recommend draft legislation to create an appropriate continuum of interventions for violent and chronically disruptive students, including the availability of alternative educational settings and alternative community placements for violent and chronically disruptive students.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

7. Expenses. Legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Public members who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the task force.

8. Report. The task force shall submit a report on the plan developed along with any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs no later than December 15, 1999. The committee has authority to introduce legislation during the Second Regular Session of the 119th Legislature. If the task force requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Task force budget. The chair of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

Upon request from the task force, the Executive Director of the Legislative Council or the executive director's designee shall provide the task force chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

Passed by the Senate June 5, 1999 and the House of Representatives June 5, 1999

**JOINT STUDY ORDER TO
ESTABLISH THE COMMISSION TO
STUDY SINGLE-SALES FACTOR
APPORTIONMENT**

S.P. 771

WHEREAS, the Legislature finds that there is a trend in other states to change the way in which income of multistate businesses is apportioned for income tax purposes; and

WHEREAS, the interaction of different apportionment approaches creates a disincentive for capital investment in Maine; and

WHEREAS, this trend may be placing Maine at a competitive disadvantage in attracting and retaining investment and jobs; now, therefore, be it

ORDERED, the House concurring, that the Commission to Study Single-sales Factor Apportionment is established as follows:

1. Commission established. The Commission to Study Single-sales Factor Apportionment, referred to in this order as the "commission," is established.

2. Membership. The commission consists of the following 11 members:

A. The State Tax Assessor or the State Tax Assessor's designee;

B. The Commissioner of Economic and Community Development or the commissioner's designee;

C. Three members from the Senate appointed by the President of the Senate. Two of these members must be members of the Joint Standing Committee on Taxation and one member must be a member of the Joint Standing Committee on Business and Economic Development;

D. Four members of the House of Representatives appointed by the Speaker of the House. Three of these members must be members of the Joint Standing Committee on Taxation and one member must be a member of the Joint Standing Committee on Business and Economic Development; and

E. Two members of the business community appointed by the Governor.

3. Chairs. The first Senate member named is the Senate chair. The first House member named is the House chair.

4. Appointments; convening commission.

All appointments must be made no later than 30 days following the effective date of this order. 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 chairs of the commission shall call and convene the first meeting of the commission no later than August 15, 1999.

5. Duties. The commission has the following duties:

A. To gather information pertaining to single-sales factor corporate income tax apportionment, including, without limitation, the experience of other states that have adopted single-sales factor corporate income tax apportionment; and

B. To make recommendations to the Joint Standing Committee on Taxation as to the advisability of adopting single-sales factor corporate income tax apportionment in the State, including any recommendations for legislation.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Fiscal and Program Review shall provide necessary staffing services to the commission. The Department of Administrative and Financial Services, Bureau of Revenue Services shall provide information and services as requested by the commission.

7. Compensation. Legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the commission. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission.

8. Report. The commission shall submit a report to the Joint Standing Committee on Taxation by December 1, 1999. The Joint Standing Committee on Taxation may introduce legislation in the Second Regular Session of the 119th Legislature to implement the recommendations of the commission. If the commission 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.

9. Commission budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission

may not incur expenses that would result in the commission exceeding its approved budget.

Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the study budget expenditures incurred and paid and available funds.

Passed by the Senate June 5, 1999 and the House of Representatives June 5, 1999

**JOINT STUDY ORDER TO
ESTABLISH THE JOINT SELECT
COMMITTEE TO EXAMINE THE
ADEQUACY OF SERVICES AT THE
TOGUS VETERANS
ADMINISTRATION MEDICAL
CENTER**

H.P. 1052

WHEREAS, the Legislature finds that it is important to examine the effects of the recent United States Department of Veterans Affairs health services reorganization on the Veterans Administration Medical Center at Togus; and

WHEREAS, it is vital to review the impact of recent United States Department of Veterans Affairs decisions on the quality and availability of the care of our veterans; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee to Examine Adequacy of Services at the Togus Veterans Administration Medical Center is established as follows.

1. Committee established. The Joint Select Committee to Examine the Adequacy of Services at the Togus Veterans Administration Medical Center, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 18 members as follows:

A. All of the members of the Joint Standing Committee on Legal and Veterans Affairs;

B. One representative from each of Maine's 4 congressional offices, invited jointly by the President of the Senate and the Speaker of the House of Representatives; and

C. One representative from the Office of the Governor, invited jointly by the President of the Senate and the Speaker of the House.

3. Appointments; chair. All appointments and invitations must be made no later than 30 days following the passage of this order. The President of the Senate and the Speaker of the House shall notify the Executive Director of the Legislative Council upon making their appointments and invitations. The Senate chair of the Joint Standing Committee on Legal and Veterans Affairs is the Senate chair of the committee. The House chair of the Joint Standing Committee on Legal and Veterans Affairs is the House chair of the committee. When the membership is complete, the chairs shall call and convene the first meeting of the committee no later than July 1, 1999.

4. Duties. The committee shall examine:

A. Services provided to veterans by the Togus Veterans Administration Medical Center and the adequacy of those services to meet the needs of the veterans;

B. Funding provided to the medical center and the adequacy of those funds in providing necessary services to the veterans;

C. The possibility of the medical center being operated under partial receivership; and

D. Other issues the committee may determine relevant to the operation of the medical center.

5. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

6. Compensation. Legislative members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at meetings of the committee. Public members not otherwise compensated by their employers or other entities are entitled to receive reimbursement of necessary expenses.

7. Report. The committee shall submit a report along with any recommended legislation to the Second Regular Session of the 119th Legislature by December 1, 1999. If the committee requires an extension of the reporting deadline, it may apply to the Legislative Council, which may grant the extension.

Passed by the Senate June 5, 1999 and the House of Representatives June 5, 1999

**JOINT STUDY ORDER TO
ESTABLISH THE COMMITTEE TO
ADDRESS THE RECOGNITION OF
THE TRIBAL GOVERNMENT
REPRESENTATIVES OF MAINE'S
NATIVE SOVEREIGN NATIONS IN
THE LEGISLATURE**

H.P. 1524

WHEREAS, the Maine Indian Claims Settlement Act of 1980 recognized Maine's Native American Tribes as Sovereign Nations; and

WHEREAS, the Legislature finds that there is a need to address the issue of recognition of the tribal government representatives of Maine's Native Sovereign Nations in the Legislature; and

WHEREAS, the Legislature finds that there is a need to conduct a study to review the involvement of Native American tribes in state legislatures throughout the United States and other countries; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Address the Recognition of the tribal government representatives of Maine's Native Sovereign Nations in the Legislature is established as follows.

1. Committee established. The Committee to Address the Recognition of the Tribal Government Representatives of Maine's Native Sovereign Nations in the Legislature, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 8 members as follows.

A. The President of the Senate shall appoint 3 members from the Senate, one of whom must be a member of the minority party.

B. The Speaker of the House of Representatives shall appoint 3 members from the House of Representatives, one of whom must be a member of the minority party.

C. The Representative of the Penobscot Nation to the Legislature.

D. The Representative of the Passamaquoddy Tribe to the Legislature.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. House subcommittee. The House subcommittee consists of the 3 members of the House of Representatives appointed by the Speaker, the

Representative of the Penobscot Nation and the Representative of the Passamaquoddy Tribe.

5. Senate subcommittee. The Senate subcommittee consists of the 3 members of the Senate appointed by the President of the Senate, the Representative of the Penobscot Nation and the Representative of the Passamaquoddy Tribe.

6. Appointments; convening committee. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. Within 15 days after all members have been appointed, the chairs shall call and convene the first meeting of the committee. The committee may meet as often as necessary, at the call of the chairs.

7. Duties of the committee. The committee shall conduct a study to address the issue of recognition of the tribal government representatives of Maine's Native Sovereign Nations in the Legislature. In conducting the study, the committee shall review:

- A. The current participation and responsibilities that Native American representatives have in the legislative process throughout the nation and other countries;
- B. The rules concerning such participation contained in the Joint Rules of the 119th Legislature; and
- C. With input from the office of the Attorney General and tribal attorneys, the possible constitutional issues arising from such representation as well as the issues that may arise from the Maine Indian Claims Settlement Act of 1980.

The study must address the issues of voting rights and the sponsorship of legislation and may include other relevant issues.

8. Duties of the subcommittees. The House subcommittee shall review the House Rules concerning the participation and responsibilities of Native American representatives in the legislative process. The Senate subcommittee shall review the Senate Rules concerning the participation and responsibilities of Native American representatives in the legislative process.

9. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

10. Compensation. Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section

2, and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

11. Report. The committee members shall report as follows. The members of the committee who are members of the Senate and the House shall submit their report on the Joint Rules to the Joint Rules Committee. The members of the committee who are members of the House shall submit their report on the House Rules to the Speaker of the House. The members of the committee who are members of the Senate shall submit their report on the Senate Rules to the President of the Senate. The committee may submit its report on any additional matters, along with any recommended legislation, to the appropriate joint standing committee, as determined by the presiding officers, and to the Legislative Council. The Representative of the Penobscot Nation and the Representative of the Passamaquoddy Tribe, together or separately, may submit reports to the Joint Rules Committee, the Speaker of the House, the President of the Senate and the appropriate joint standing committee, as determined by the presiding officers. All reports must be submitted by December 1, 1999. Following receipt of a report, a joint standing committee may report out a bill to the Second Regular Session of the 119th Legislature to implement the recommendations contained in the report. If the Representative of the Penobscot Nation or the Representative of the Passamaquoddy Tribe or if the committee or its subcommittees require an extension of time to make their reports, they may apply to the Legislative Council, which may grant the extension.

12. Committee budget. The chairs of the committee, 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 and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

Passed by the Senate May 12, 1999 and the House of Representatives June 5, 1999

**JOINT STUDY ORDER TO
ESTABLISH THE COMMITTEE ON
SAWMILL BIOMASS**

H.P. 1583

ORDERED, the Senate concurring, that the Committee on Sawmill Biomass is established as follows.

1. Establishment. The Committee on Sawmill Biomass, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 17 members as follows:

A. Three members of the Senate, appointed by the President of the Senate, each of whom serves on the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation or the Joint Standing Committee on Utilities and Energy;

B. Six members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation or the Joint Standing Committee on Utilities and Energy;

C. Two representatives of the forest products industry who have expertise in sawmill operations and sawmill biomass markets, appointed by the Speaker of the House;

D. One representative of the biomass electric energy generation industry, appointed by the President of the Senate;

E. Three members of the public who have expertise in forest resource utilization, sawmill biomass management or forest products research and development, appointed by the Governor;

F. The Public Advocate or the Public Advocate's designee; and

G. The chair of the Public Utilities Commission or the chair's designee.

3. Appointments; chairs; quorum; convening of committee. All appointments must be made by July 1, 1999. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than July 15, 1999 and the committee may meet up to 4 times before issuing its report. A quorum exists when at least 8 members are present at a meeting.

4. Compensation. Members of the committee who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee. Public members not otherwise compensated by their employers or other

entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

5. Duties. The committee shall investigate opportunities for maintaining markets for the sawmill biomass industry that will enhance the sawmill industry in the State, maintain employment and strengthen rural economies. The committee shall also study barriers to sawmill biomass markets and identify appropriate activities to promote existing or new products.

6. Staff assistance. The State Planning Office shall provide staff assistance to the committee, and the Department of Conservation, the Department of Economic and Community Development, the Department of Environmental Protection and the Bureau of Revenue Services shall provide expertise upon request from the committee. The Public Utilities Commission may contract with an expert or commission studies to assist the committee.

7. Report. The committee shall submit a report and any recommended legislation to the Speaker of the House of Representatives, the President of the Senate and the Governor no later than December 15, 1999. If the committee requires an extension of the reporting deadline, it may apply to the Legislative Council, which may grant the request.

Passed by the Senate June 5, 1999 and the House of Representatives June 5, 1999

**JOINT STUDY ORDER TO
ESTABLISH THE TASK FORCE TO
REVIEW THE EDUCATIONAL
PROGRAM AND THE GOVERNANCE
SYSTEM OF THE GOVERNOR
BAXTER SCHOOL FOR THE DEAF**

H.P. 1587

WHEREAS, the Legislature finds that the Governor Baxter School for the Deaf is a unique institution in Maine, a state-funded school for the deaf and hard-of-hearing, with a statewide obligation and role to help local schools educate deaf and hard-of-hearing children and a critical role in the deaf culture of the State; and

WHEREAS, the Legislature finds that, to take best advantage of its unique features, the Governor Baxter School for the Deaf needs a governance system and management powers that reflect the school's unique status; and

WHEREAS, the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf concluded that the current governance

system of the Governor Baxter School for the Deaf does not fit the school's need for effective and efficient governance; and

WHEREAS, both the Department of Education's review committee report regarding the compliance of the Governor Baxter School for the Deaf with the basic school approval statutory requirements and the report of the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf found the school's employment of certified and qualified school personnel and provisions for the security and welfare of residential students to be deficient, and the department's review committee also concluded that significant deficits in the current educational program at the school, including the lack of a cohesive curriculum, instruction and assessment program, warranted the Commissioner of Education to change the status of the Governor Baxter School for the Deaf from "approval" to "provisional approval" and further required the Governor Baxter School for the Deaf to file with the commissioner an acceptable written plan of action for addressing identified deficits, which includes addressing safety concerns at the facility; and

WHEREAS, the Legislature finds that it is necessary to review the efficiency and effectiveness of the educational program at the Governor Baxter School for the Deaf in the context of the range of alternative educational models and placements that are available to deliver appropriate educational programs and services that meet the unique educational needs of children and youth who are deaf and hard-of-hearing; and

WHEREAS, the Legislature finds that there is an urgent need for a task force to review the educational program and the governance system of the Governor Baxter School for the Deaf to ensure that the school is meeting its statewide obligation and role of helping local schools educate deaf and hard-of-hearing children in an efficient and effective manner; now, therefore, be it

ORDERED, the Senate concurring, that the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf is established as follows.

1. Task force established. The Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf, referred to in this order as the "task force," is established.

2. Task force membership. The task force consists of 14 members as follows.

A. The President of the Senate shall appoint 4 members from the Senate, including one member

who serves on the Joint Standing Committee on Education and Cultural Affairs, one member who serves on the Joint Standing Committee on Health and Human Services, one member who serves on the Joint Standing Committee on Judiciary and one member who serves on the Joint Standing Committee on Agriculture, Conservation and Forestry.

B. The Speaker of the House of Representatives shall appoint 4 members from the House of Representatives, including one member who serves on the Joint Standing Committee on Education and Cultural Affairs, one member who serves on the Joint Standing Committee on Health and Human Services, one member who serves on the Joint Standing Committee on Judiciary and one member who serves on the Joint Standing Committee on Agriculture, Conservation and Forestry.

C. The President of the Senate shall appoint 2 members from the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf who represent the deaf community.

D. The Speaker of the House shall appoint one member from the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf who represents an interested party other than a state agency or the deaf community.

E. The Commissioner of Education or the commissioner's designee must be a member of the task force.

F. The Commissioner of Administrative and Financial Services or the commissioner's designee must be a member of the task force.

G. One of the cochairs of the School Board of the Governor Baxter School for the Deaf or the school board cochairs' designee must be a member of the task force.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening task force. All appointments must be made no later than 30 days following the effective date of this order. 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 chairs of the task force shall call and convene the first meeting of the task force no later than July 15, 1999.

5. Duties. The task force shall review the educational program of the Governor Baxter School for the Deaf to ensure that the school is meeting its statewide obligation and role in helping local schools educate deaf and hard-of-hearing children in an efficient and effective manner, and, if appropriate, the task force shall recommend a design for a new governance system for the Governor Baxter School for the Deaf and shall prepare a plan that will help the school develop the capacity to implement a system that is more efficient and effective than the current governance system. In conducting this review, the task force shall:

A. Request, as appropriate, the assistance of the Department of Education, the Department of Administrative and Financial Services, the Bureau of Parks and Lands within the Department of Conservation, the Department of the Attorney General, the School Board of the Governor Baxter School for the Deaf, the College of Education within the University of Southern Maine and other appropriate state agencies and educational institutions;

B. Invite the participation of experts and interested parties;

C. Hire an impartial consultant to help the school, the Department of Education and other state agencies to redefine their roles and realign responsibilities; and

D. Review the efficiency and effectiveness of the educational program at the Governor Baxter School for the Deaf in the context of the range of alternative educational models and placements that are available in other states to deliver appropriate educational programs and services that meet the unique educational needs of children and youth who are deaf and hard-of-hearing and, if necessary:

(1) Redefine the basic structure of the governance system, including defining the respective roles and responsibilities of the school board, school administrators and state agencies;

(2) Identify the resources needed for the school board to develop the capacity to perform functions that the school would take over from state agencies, such as personnel and budget management functions. If the School Board of the Governor Baxter School for the Deaf is to bargain directly with employee unions and is to address employee relations issues such as grievance proceedings, the school must build the capacity to undertake these functions as well. This may involve securing additional staff

for the school to strengthen its personnel management capacity;

(3) Develop a plan to address the findings and recommendations from the Department of Education's basic school approval review conducted in December 1998, conduct any other necessary reviews, such as a comprehensive review of safety, security and welfare of students in the residential program at the school, and develop a plan to address the results of those reviews;

(4) Consult with Governor Baxter School for the Deaf employees and their representatives so that their interests can be taken into account in designing a new governance system. Employees have an interest in the potential for changes in salary, benefits and working conditions. The task force shall take into account existing employee rights under union contracts or state law that may affect the timing or scope of change that may occur at the school;

(5) Develop strategies for properly balancing the protection of and public access to the natural resources of the island with the need for managing the state-owned facilities under the provisions of the deed from Governor Baxter granting Mackworth Island to the State. The strategies must address what role, if any, state agencies play in managing school property and Mackworth Island, what improvements are needed in the school's physical plant and who should make those improvements and whether a state agency should continue to be involved in managing the island or only in overseeing the school's compliance with the deed; and

(6) Establish benchmarks to measure the school's progress toward a more efficient and effective governance system and require that the consultant, the school and the Department of Education make progress reports to interested parties, including the Joint Standing Committee on Education and Cultural Affairs.

6. Staff assistance; interpreter services; consultant. The task force may request staffing assistance from the Legislative Council. The task force, with the approval of the Legislative Council, may contract with interpreter services to provide appropriate interpreting services for the deaf and hard-of-hearing and shall contract with a consultant to provide professional services for reviewing and

analyzing the status of the governance system of the Governor Baxter School for the Deaf.

7. Expenses. Legislative members of the task force are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

8. Report. No later than December 3, 1999, the task force shall submit a report that includes its findings together with any recommendations for legislation to the Joint Standing Committee on Education and Cultural Affairs or for supplemental budget appropriations to the Joint Standing Committee on Appropriations and Financial Affairs. The Joint Standing Committee on Education and Cultural Affairs is authorized to report out legislation during the Second Regular Session of the 119th Legislature concerning the findings and recommendations of the task force. If the task force requires an extension of the reporting deadline, it may apply to the Legislative Council, which may grant the extension.

9. Task force budget. The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

Upon request from the task force, the Executive Director of the Legislative Council or the Executive Director's designee shall provide the chairs and staff with a status report on the task force budget, expenditures incurred and paid and available funds.

**Passed by the House of Representatives May 19,
1999 and the Senate June 5, 1999**
