

# DISABILITY RIGHTS MAINE

May 17, 2023

Senator Margaret Rotundo, Chair  
Representative Melanie Sachs, Chair  
Joint Committee on Appropriations and Financial Affairs  
5 State House Station  
Augusta, Maine 04333

Re: Part TTTT Language for Governor's Change Passage to LD 258-GF  
Biennial Budget 2024-2025

Dear Senator Rotundo and Representative Sachs Members of the Joint Committee on Appropriations and Financial Affairs:

Disability Rights Maine (DRM) opposes Part TTTT of the Governor's Change Package.

Part TTTT of the Governor's Change Package seeks to repeal 2001 P&S Law ch. 12, which became effective May 2, 2001. 2001 P&S Law ch. 12 required the Department of Mental Health, Mental Retardation and Substance Abuse Services to continue to offer counselling and other mental health services at no cost to former students of the Governor Baxter School for the Deaf (GBSD) and the Maine School for the Deaf (MSD).

Part TTTT seeks to limit eligibility for free counselling services to former students of MSD or GBSD who either applied for compensation from the Baxter Compensation Authority (BCA) or who are former students who have received or are currently receiving no cost counselling services. It also limits counselling services to MaineCare-eligible former students or former students who are uninsured.

Part TTTT reneges on the promise made to former GBSD student in that 2001 private and special law that former students would be eligible to receive counselling

160 Capitol Street, Suite 4, Augusta, ME 04330  
207.626.2774 • 1.800.452.1948 • Fax: 207.621.1419 • drme.org

MAINE'S PROTECTION AND ADVOCACY AGENCY FOR PEOPLE WITH DISABILITIES

services without cost to them. Over twenty years ago, Maine took responsibility its role in the horrific abuses that took place at Governor Baxter School for the Deaf (GBSD) and Maine School for the Deaf (MSD).

The private and special law came about because of the abuse that occurred at the GBSD. According to the statute, the state agreed to continue to pay for counselling for former students. It was phrased as “continuing” to pay for counselling, because the State had already been paying for counselling for former students after The Safer Place, a group of former GBSD students, who organized themselves in 1998 and brought pressure on the state to acknowledge its responsibility for not protecting former GBSD students. The pressure brought by The Safer Place and the discussions they had with legislators over the years ultimately resulted in the 2001 private and special law and the creation of the BCA. Repealing the private and special law would be disregarding all the discussions the Deaf community had with legislators and would be terribly disrespectful.

The free counselling services were offered to former GBSD students before the BCA was created. The 2001 private and special law took effect six months before the BCA was even created. The BCA mentioned that counselling was available but never set any limits on eligibility. Counselling was an entirely different program from the BCA, not at all related to the BCA or to filing a claim for compensation. There was never a requirement that in order to be eligible for counselling a former student had to make a claim for compensation to the BCA.

Free counselling was an acknowledgement by the state of the wrong done to former students by failing to investigate reports of abuse at the school for years. Former GBSD students endured horrific and repeated physical and sexual abuse. The staff made no attempts to hide it. Students were slapped, kicked, punched in classrooms, hallways and the cafeteria. Abuse ran the gamut from hair pulling by teachers, to repeated sexual assault by administrators. The abuse was so prevalent that students who did not directly experience abuse still witnessed it, and lived as children in an environment of intense fear and intimidation. They were isolated on an island, living with their abusers day and night. They isolated because they were Deaf. They could not tell anyone and even when they tried they were not believed. Counselling was intended as an acknowledgement of the wrong by the state and was intended to be easily accessed by all former students from this time.

It also never intended that only MaineCare eligible former students, or that only former students who were uninsured, would be eligible for free counselling. It was never intended as a needs-based program. The state covers co-pays on private

insurance policies for former students who currently receive counselling. DRM is aware of GBSD survivors who currently depend on the Baxter Fund for co-pay assistance for counselling sessions. It was an acknowledgement by the state that the state should shoulder the cost of healing for injuries that were allowed to continue because the state ignored the GBSD.

DRM has been working on this issue for a over a year. Last summer, we discovered that OBH had amended its contracts with providers of counselling services so that only former GBSD students who had applied to the BCA for compensation before March 31, 2006, and who were referred for counselling during the claims process compensation process, and who received prior approval, were eligible for counselling services paid for by the Baxter Fund. OBH did not notify anyone receiving counselling services of the change, nor did OBH notify DRM of the change.

The amended contract language seemingly came out of nowhere and in our estimation was absolutely the wrong thing to do. During the more than 20 intervening years of counselling services for former GBSD students, there had never been a requirement that a former student had to have applied for compensation from the BCA, or been referred for counselling during the claims process. In fact, just the opposite was true. Counselling was supposed to be a low barrier, easy to access service, for former students who had experienced sexual and physical abuse, or had witnessed abuse. Fear and intimidation permeated the GBSD campus and those who witnessed the regular and repeated physical abuse were also traumatized.

Abuse at the GBSD first came to light in February of 1982, after a series of local newspaper articles were published alleging that GBSD staff had abused students. The Attorney General's Office and the Child Protective Services of the Department of Human Services investigated and substantiated the claims of abuse. However, no charges were brought and no perpetrators were arrested. The Attorney General's report explained that criminal charges could not be pursued against the perpetrators of the abuse because the Department of Educational and Cultural Services had failed to investigate allegations of abuse going back as far as 1976. Any criminal prosecution was barred because the statute of limitations had expired.

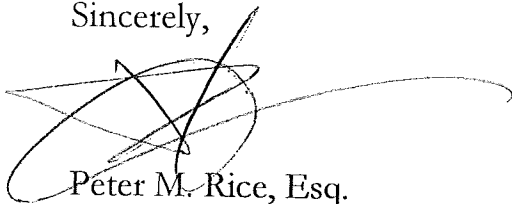
Child Protective Services (CPS) also investigated and documented abuse. Abuse by GBSD staff was found to have included instances of slapping, spanking, punching and pulling the hair of former students. Other incidents of documented abuse included shackling students and slamming students heads or bodies against the wall. Only one case of child abuse was reported to CPS.

In passing the private and special law, the state recognized the shame many victims of sexual abuse often experience, which often precludes victims from coming forward. This may be the most vulnerable population of all. These are the people that we are most concerned with having counselling services denied. It has been over 20 years that the State has faithfully provided this service at what we expect has been very little cost, raising the question of why are we placing restrictions on this vital service now?

Counselling services for former GBSD students did not become an issue until last year. Why is this happening and why now? After what happened to GBSD students, why would OBH do this and why would it be in the Governor's budget, seemingly surreptitiously included in a way that no Deaf people would be able to figure out, let alone testify against in such an intimidating venue and presumably without interpreters. We recognize that the chances of more people coming forward after all these years is slim but if there is even one person out there who just now is recognizing that the abuse they suffered or witnessed directly caused the trauma that damaged their life, why would the State of Maine even want to say no to counselling. This cannot be a money saving plan. So why?

It seems the State has forgotten what happened to these children.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Rice", with a long, sweeping horizontal line extending to the right.

Peter M. Rice, Esq.  
Of Counsel

**Sec. 1. Allocation to Finance Authority of Maine.** The \$10,000,000 of the state ceiling for calendar year 1999 originally allocated to the Finance Authority of Maine to be used for educational loans under Public Law 1999, chapter 443, then reallocated to the Maine Educational Loan Authority under Private and Special Law 1999, chapter 82, is reallocated to the Finance Authority of Maine to be used for educational loans pursuant to the Maine Revised Statutes, Title 20-A, chapter 417-B in accordance with Title 10, section 363, subsection 6.

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

Effective April 11, 2001.

## CHAPTER 10

H.P. 782 - L.D. 1026

### An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates

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

**Sec. 1. William S. Cohen; special license plates.** The Secretary of State shall issue one pair of specially designed license plates for one designated motor vehicle owned by William S. Cohen of Bangor. The plates must be issued in his honor without charge for the lifetime of William S. Cohen.

**Sec. 2. George J. Mitchell; special license plates.** The Secretary of State shall issue one pair of specially designed license plates for one designated motor vehicle owned by George J. Mitchell of Waterville. The plates must be issued in his honor without charge for the lifetime of George J. Mitchell.

See title page for effective date.

## CHAPTER 11

H.P. 480 - L.D. 620

### An Act to Amend the Charter of the Gray Water District

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

**Sec. 1. P&SL 1929, c. 33, §9, first ¶** is repealed and the following enacted in its place:

All the affairs of the district are managed by a board of trustees composed of 5 members who must be residents in the district. The trustees are elected to 5-year terms in accordance with the Maine Revised Statutes, Title 35-A, section 6410, subsection 1.

**Sec. 2. P&SL 1929, c. 33, §9, 2nd ¶** is repealed.

**Sec. 3. Current trustees.** The terms of office to which trustees of the Gray Water District serving on the effective date of this Act were elected are unaffected by this Act. The trustees' successors are elected in accordance with this Act.

See title page for effective date.

## CHAPTER 12

H.P. 167 - L.D. 178

### An Act to Implement the Continuation of Service Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

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

Whereas, former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf have been using counseling and mental health services provided at no cost to them through the Department of Mental Health, Mental Retardation and Substance Abuse Services; and

Whereas, there should be no interruption of the provision of these 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 enacted by the People of the State of Maine as follows:

**Sec. 1. Continuation of services.** The Department of Mental Health, Mental Retardation and Substance Abuse Services shall continue to offer counseling and other mental health services at no cost to former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf.

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

Effective May 2, 2001.

## CHAPTER 13

H.P. 700 - L.D. 904

### An Act to Amend the Charter of the Corinna Water District

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

**Whereas,** uninterrupted collection and distribution of water is essential to the health and welfare of inhabitants of Corinna; and

**Whereas,** the water district may apply for and receive grants to ensure uninterrupted water service; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B, that part of the Town of Corinna described as follows: Beginning at a point where the west line of Lot 13 in Corinna intersects State Aid Highway #1 leading from Corinna village to St. Albans village; thence running southerly along the west line of Lot 13 to a point, on the same line extended 100 rods southerly from the north line of Range 2 in said Corinna; thence easterly on a line parallel to the north line of Range 2 to a point where said line intersects the center line of the road leading from Southard's Mills, so called, southeasterly to the White school house district; thence northerly in a straight line to the easterly end of the bridge crossing Alder Stream on State Aid Highway #1 leading from Corinna village to Exeter; thence northerly in a straight line to a point where the north line of Range 4 in Corinna intersects State Highway J leading from Corinna village to Dexter; thence westerly in a straight line to the point of beginning; and its inhabitants constitute a standard water district under the name "Corinna Water District," referred to in this Act as the "district."

**Sec. 2. Powers; authority; duties.** The district has all the powers and authority and is subject to all requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

**Sec. 3. Power to take water.** For purposes of its incorporation, the district is authorized to take water from any source in the Town of Corinna.

**Sec. 4. Number of trustees.** The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the district and reside in a household to which the district's service is provided.

**Sec. 5. Terms of trustees.** Trustees are elected to 3-year terms in accordance with the Maine Revised Statutes, Title 35-A, section 6410, subsection 1.

**Sec. 6. Debt limit.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 6413, the district may issue bonds, notes or other evidences of indebtedness payable within a period of more than 12 months up to a total amount of \$1,000,000. The district may establish a higher debt limit in accordance with Title 35-A, section 6413.

**Sec. 7. State funds exempt from investigation.** The management and allocation by the district of a contribution of funds by the State under the Maine Revised Statutes, Title 38, section 568, subsection 2 and the income from those funds are not subject to investigation or review by the Public Utilities Commission under Title 35-A, section 310, 1302 or 1303, except upon request by the Department of Environmental Protection.

**Sec. 8. Continuation of Corinna Water District.** The purpose of this Act is to modernize the charter of the Corinna Water District, established under Private and Special Law 1947, chapter 86, using the Standard Water District Enabling Act. The terms of office to which trustees of the Corinna Water District serving on the effective date of this Act were elected are unaffected by this Act. The trustees' successors are elected in accordance with this Act. Except as specifically provided by this Act, nothing in this Act is intended to alter or affect or may be interpreted as altering or affecting any debts, liabilities, obligations, rights or privileges of the Corinna Water District.

**Sec. 9. P&SL 1947, c. 86, as amended, is repealed.**

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

Effective May 8, 2001.