

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2233

S.P. 833

In Senate, May 20, 1999

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### **An Act to License Interpreters for the Deaf and Hard-of-Hearing.**

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Reported by Senator KONTOS of Cumberland for the Joint Standing Committee on Business and Economic Development pursuant to Public Law 1997, chapter 749, section 4 and printed under Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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

2           **Sec. 1. 5 MRSA §48, sub-§5**, as enacted by PL 1997, c. 749, §1,  
4 is amended to read:

6           **5. Provide information.** The Division of Deafness must  
8 provide information to the public, including state agencies and  
10 individuals who work with interpreters, regarding the  
12 ~~registration~~ licensure requirements provided under Title 32,  
14 chapter 22.

12           **Sec. 2. 10 MRSA §8001, sub-§38**, as amended by PL 1997, c. 727,  
14 Pt. C, §1 and c. 749, §2, is further amended by amending the last  
16 blocked paragraph to read:

16 The Office of Licensing and Registration also administers the  
18 following regulatory functions: licensure of athletic trainers;  
20 registration of massage therapists; ~~registration~~ licensure of  
22 interpreters for the deaf and hard-of-hearing; registration of  
24 persons pursuant to the Charitable Solicitations Act; and  
26 registration of transient sellers, including door-to-door home  
28 repair transient sellers.

24           **Sec. 3. 32 MRSA §1521, sub-§1-A** is enacted to read:

26           **1-A. Deaf interpreter.** "Deaf interpreter" means a person  
28 whose sense of hearing is nonfunctional for the purpose of  
30 communication, whose primary means of communication is visual or  
32 tactile and who provides intermediary interpreting.

32           **Sec. 4. 32 MRSA §1521, sub-§2**, as enacted by PL 1997, c. 749,  
34 §3, is amended to read:

34           **2. Deaf person.** "Deaf person" means a person whose sense  
36 of hearing is nonfunctional for the purpose of communication and  
38 whose primary means of communication is visual or tactile.

38           **Sec. 5. 32 MRSA §1521, sub-§5**, as enacted by PL 1997, c. 749,  
40 §3, is amended to read:

40           **5. Interpreting.** "~~Interpreting~~" means the process of  
42 ~~providing-accessible-communication-between-and-among-persons-who~~  
44 ~~are-deaf,-hard-of-hearing-and-can-hear,-and-who-do-not-share-a~~  
46 ~~common-means-of-communication.---This-process-includes,---without~~  
48 ~~limitation,---interpreting-and-transliterating-and-visual-gestural,~~  
50 ~~auditory-and-tactile-communication~~ when a linguistic intermediary  
between a deaf or hard-of-hearing person and another person  
translates the spoken utterances or signs, gestures or writing of  
either person into a linguistic form other than that which that  
person uses as a primary and preferred form of

2 communication. For the purposes of this chapter, "interpreting"  
3 or "transliterating" does not mean communication using cued  
4 speech.

6 **Sec. 6. 32 MRSA §1521, sub-§6, ¶C,** as enacted by PL 1997, c.  
7 749, §3, is amended to read:

8 C. Intermediary interpreting, which means interpreting  
9 services rendered by a deaf ~~person~~ interpreter to facilitate  
10 communication between another deaf person and another  
11 ~~registered~~ licensed interpreter or between 2 or more deaf  
12 persons.

14 **Sec. 7. 32 MRSA §1522, sub-§2,** as enacted by PL 1997, c. 749,  
15 §3, is amended to read:

16 2. **Licensure.** The commissioner shall ~~register~~ license a  
17 person who has successfully complied with the application process  
18 established by the department, paid the required fees  
19 established by the department under sections 1527 and 1528 and  
20 met the qualifications for ~~registration~~ licensure as set forth in  
21 section 1524. The commissioner shall make available, at cost, a  
22 directory that contains the names of all individuals ~~registered~~  
23 licensed pursuant to this chapter.

26 **Sec. 8. 32 MRSA §1522, sub-§4** is enacted to read:

27 **4. Advisory council.** The commissioner, as necessary, may  
28 select members of the interpreting profession and other  
29 interested parties to serve on an advisory council to advise and  
30 consult with the commissioner concerning the regulation of  
31 interpreters for the deaf and hard-of-hearing. Service on the  
32 council is not in itself a conflict of interest regardless of the  
33 occupations or associations of the members.

36 **Sec. 9. 32 MRSA §1523,** as enacted by PL 1997, c. 749, §3, is  
37 amended to read:

38 **§1523. Privileged communication**

39 Individuals ~~registered~~ licensed under this chapter are  
40 included under the evidentiary communications privilege outlined  
41 in Title 5, section 48, subsection 4.

44 **Sec. 10. 32 MRSA §1524,** as enacted by PL 1997, c. 749, §3, is  
45 amended to read:

46 **§1524. Requirements for licensure; limited interpreter and limited**  
47 **transliterating**

2 To be eligible for ~~registration~~ licensure as a limited  
3 interpreter or limited transliterator under this chapter, an  
4 applicant must be at least 18 years of age and must provide the  
5 following:

6 1. **High school diploma.** Proof of a high school diploma or  
7 the equivalent;

8 ~~2. **References.** Letters of reference from 3 persons for~~  
9 ~~whom the applicant has worked on a compensated basis as an~~  
10 ~~interpreter. Two of the references must be persons who are deaf~~  
11 ~~or hard of hearing and one of the references must be a person~~  
12 ~~whose hearing is fully functional. All references must contain,~~  
13 ~~at a minimum, the name, address and phone number of the person~~  
14 ~~giving the reference and a brief description of the quality of~~  
15 ~~the services provided by the applicant;~~

16 3. **Sworn statement.** A sworn, signed statement that the  
17 applicant has read, understands and agrees to abide by the Code  
18 of Ethics of the Registry of Interpreters for the Deaf, Inc., or  
19 a comparable or successor organization recognized by the  
20 commissioner; and

21 4. **Proof of education and training in American Sign**  
22 **Language.** ~~A written summary~~ Written proof of the applicant's  
23 interpreting education and experience, ~~with proof of completion~~  
24 ~~of at least 16 hours of interpreter education that specifically~~  
25 ~~addresses the development of interpreter communication skills,~~  
26 training in American Sign Language, consisting of either:

27 A. Proof of completion of at least 100 clock hours of  
28 instruction in American Sign Language conducted by:

29 (1) An instructor recognized by the American Sign  
30 Language Teachers Association, or a comparable or  
31 successor organization recognized by the commissioner;

32 (2) An interpreter certified by either the Registry of  
33 Interpreters for the Deaf, Inc. or the National  
34 Association of the Deaf, Inc., or a comparable or  
35 successor organization of either recognized by the  
36 commissioner; or

37 (3) An instructor of courses conducted through an  
38 accredited college, accredited university or accredited  
39 or approved high school or conducted by certification  
40 maintenance course sponsors approved by the Registry of  
41 Interpreters for the Deaf, Inc. or the National  
42 Association of the Deaf, Inc., or a comparable or  
43 successor organization of either recognized by the  
44 commissioner; or

45

2 B. Submission of a letter attesting that the applicant's  
3 skill level is equivalent to a person who has completed 100  
4 hours of instruction in American Sign Language. The letter  
5 must be prepared and signed by:

6 (1) An instructor recognized by the American Sign  
7 Language Teachers Association, or a comparable or  
8 successor organization recognized by the commissioner;

10 (2) An interpreter certified by either the Registry of  
11 Interpreters for the Deaf, Inc. or the National  
12 Association of the Deaf, Inc., or a comparable or  
13 successor organization of either recognized by the  
14 commissioner; or

16 (3) An instructor of courses conducted through an  
17 accredited college, accredited university or accredited  
18 or approved high school or conducted by certification  
19 maintenance course sponsors approved by the Registry  
20 of Interpreters for the Deaf, Inc. or the National  
21 Association of the Deaf, Inc., or a comparable or  
22 successor organization of either recognized by the  
23 commissioner; and

24  
25 5. Proof of education and training in the interpreting  
26 process. Written proof of completion of at least 100 clock hours  
27 of instruction in the interpreting process, which must include  
28 instruction in deaf culture and the ethics of interpreting,  
29 conducted through an accredited college, accredited university or  
30 accredited or approved high school or conducted by certification  
31 maintenance course sponsors approved by the Registry of  
32 Interpreters for the Deaf, Inc. or the National Association of  
33 the Deaf, Inc., or a comparable or successor organization of  
34 either recognized by the commissioner. Credit may not be given  
35 for interpreting process clock hours that were completed prior to  
36 5 years from the date of application.

37 **Sec. 11. 32 MRSA §§1524-A and 1524-B are enacted to read:**

38 **§1524-A. Requirements for licensure; limited deaf interpreter**

39 To be eligible for licensure as a limited deaf interpreter  
40 under this chapter, an applicant must be at least 18 years of age  
41 and must provide the following:

42 1. High school diploma. Proof of a high school diploma or  
43 the equivalent;

44 2. Sworn statement. A sworn, signed statement that the  
45 applicant has read, understands and agrees to abide by the Code  
46 of Ethics of the Registry of Interpreters for the Deaf, Inc., or  
47 the Code of Ethics of the National Association of the Deaf, Inc., or  
48 the Code of Ethics of the American Sign Language Teachers Association,  
49 or a comparable or successor organization recognized by the  
50 commissioner.

2 a comparable or successor organization recognized by the  
3 commissioner;

4 **3. Proof of education and training in American Sign**  
5 **Language.** Written proof of the applicant's education and  
6 training in American Sign Language, consisting of a letter  
7 attesting that the applicant's skill level is equivalent to a  
8 person who has completed 100 hours of instruction in American  
9 Sign Language. The letter must be prepared and signed by:

10 A. An instructor recognized by the American Sign Language  
11 Teachers Association, or a comparable or successor  
12 organization recognized by the commissioner;

13 B. An interpreter certified by either the Registry of  
14 Interpreters for the Deaf, Inc. or the National Association  
15 of the Deaf, Inc., or a comparable or successor organization  
16 of either recognized by the commissioner; or

17 C. An instructor of courses conducted through an accredited  
18 college, accredited university or accredited or approved  
19 high school or conducted by certification maintenance course  
20 sponsors approved by the Registry of Interpreters for the  
21 Deaf, Inc. or the National Association of the Deaf, Inc., or  
22 a comparable or successor organization of either recognized  
23 by the commissioner; and

24 **4. Proof of education and training in the interpreting**  
25 **process.** Written proof of completion of at least 100 clock hours  
26 of instruction in the interpreting process, which must include  
27 instruction in deaf culture and the ethics of interpreting,  
28 conducted through an accredited college, accredited university or  
29 accredited or approved high school or conducted by certification  
30 maintenance course sponsors approved by the Registry of  
31 Interpreters for the Deaf, Inc. or the National Association of  
32 the Deaf, Inc., or a comparable or successor organization of  
33 either recognized by the commissioner. Credit may not be given  
34 for interpreting process clock hours that were completed prior to  
35 5 years from the date of application.

36 **§1524-B. Requirements for licensure; certified interpreter,**  
37 **certified deaf interpreter and certified transliterator**

38 To be eligible for licensure as a certified interpreter,  
39 certified deaf interpreter or certified transliterator under this  
40 chapter, an applicant must be at least 18 years of age and must  
41 provide the following:

42 **1. High school diploma.** Proof of a high school diploma or  
43 the equivalent;

2       2. Sworn statement. A sworn, signed statement that the  
3 applicant has read, understands and agrees to abide by the Code  
4 of Ethics of the Registry of Interpreters for the Deaf, Inc. or  
5 comparable certification by a comparable or successor  
6 organization recognized by the commissioner; and

7       3. Proof of certification. Documented proof of  
8 certification by the Registry of Interpreters for the Deaf, Inc.,  
9 documented proof of a minimum certification level of 4 from the  
10 National Association of the Deaf, Inc. or comparable  
11 certification by a comparable or successor organization  
12 recognized by the commissioner.

14       Sec. 12. 32 MRSA §1525, as enacted by PL 1997, c. 749, §3, is  
15 amended to read:

16       **§1525. License required**

17       After ~~January 1, 1999~~ June 30, 2000, a person may not  
18 provide interpreting services as defined in this chapter for  
19 compensation or remuneration unless properly ~~registered~~ licensed  
20 in accordance with this chapter.  
21

22       Sec. 13. 32 MRSA §1525-A is enacted to read:

23       **§1525-A. Exemptions to licensure**

24       1. Nonresident interpreters. This chapter does not apply  
25 to interpreters who are residents of a jurisdiction other than  
26 this State and who do not interpret for compensation or  
27 remuneration in the State for more than 160 hours per year.  
28 Service during declared state or national emergencies does not  
29 count toward the 160 hours per year limitation.  
30

31       2. Medical emergencies. This chapter does not apply to a  
32 person providing communication assistance during a medical  
33 emergency. For purposes of this subsection, "medical emergency"  
34 is when a person's medical condition could be significantly  
35 compromised by delaying assessment and treatment.  
36

37       Sec. 14. 32 MRSA §§1527 and 1528, as enacted by PL 1997, c.  
38 749, §3, are amended to read:

39       **§1527. Applications for licensure; fees**

40       An applicant for initial ~~or temporary registration~~  
41 licensure, pursuant to sections 1524, 1524-A or 1524-B, shall  
42 submit a written application with supporting documents to the  
43 department on forms provided by the department. The applicant  
44 shall pay a nonrefundable application fee established by the  
45 department in an amount not to exceed \$50, and an initial  
46



2 registration-or-temporary-registration license fee not to exceed  
\$100 ~~\$300~~.

4 **§1528. Renewal**

6 All ~~registrations--except--temporary--registrations~~ licenses  
must be renewed annually on or before ~~March--31st~~ June 30th of  
8 each year or at such other time as the commissioner may  
designate. The annual registration license renewal fee must be  
10 established by the department by rulemaking and may not exceed  
\$100 ~~\$300~~. The commissioner shall notify each ~~registrant~~  
12 licensee, at the ~~registrant's~~ licensee's last known address, 30  
days in advance of the expiration of the registration license.  
14 Renewal notices must be on forms provided by the department. A  
registration license not renewed by ~~March--31st~~ June 30th  
16 automatically expires. The department may renew an expired  
registration license if the renewal application is returned  
18 within 90 days after the registration license expiration date and  
upon payment of a late fee of \$10 in addition to the renewal  
20 fee. A person who submits an application for renewal more than  
90 days after the registration license expiration date is subject  
22 to all requirements governing new applicants under this chapter.

24 **Sec. 15. 32 MRSA §1528-A** is enacted to read:

26 **§1528-A. Continuing education**

28 **1. Limited interpreters.** An application for renewal of a  
limited interpreter, limited transliterator or limited deaf  
30 interpreter license must show proof of completion of at least 15  
hours annually of continuing education in American Sign Language  
32 or the interpreting process. This subsection does not apply to  
interpreters, transliterators and deaf interpreters who obtain  
34 limited licensure status pursuant to section 1532 and who have  
not completed the educational and training requirements set forth  
36 in section 1524, subsection 4 or section 1524-A, subsection 3.

38 **2. Certified interpreters.** An applicant for renewal of a  
certified interpreter, certified deaf interpreter or certified  
40 transliterator license is not required to show proof of  
continuing education, but is required to show proof of continued  
42 certification by either the Registry of Interpreters for the  
Deaf, Inc. or the National Association of the Deaf, Inc., or a  
44 comparable or successor organization of either recognized by the  
commissioner.

46 **Sec. 16. 32 MRSA §1530, first ¶**, as corrected by RR 1997, c. 2,  
48 §54, is amended to read:

2 The department may suspend or revoke registration licensure  
may refuse to issue or renew a registration license pursuant to  
4 Title 10, section 8003 or the Administrative Court may revoke,  
suspend or refuse to renew the registration license of an  
6 interpreter for:

8 **Sec. 17. 32 MRSA §§1531 and 1532** are enacted to read:

10 **§1531. Disclosure**

12 All interpreters licensed pursuant to this chapter shall  
14 disclose their license category, training and experience to  
consumers and to the person or persons engaging the interpreter's  
16 services. The content and form of the disclosure must be  
developed by the department pursuant to rule-making provisions of  
18 the Maine Administrative Procedure Act. Rules adopted pursuant  
to this section are routine technical rules pursuant to Title 5,  
20 chapter 375, subchapter II-A.

22 **§1532. Conversion of registrants to limited licensees**

24 As of June 30, 2000, interpreters, deaf interpreters and  
translitterators who have registered with the department pursuant  
26 to Public Law 1997, chapter 749 and who do not possess the  
educational and training requirements set forth in section 1524,  
28 subsection 4 or section 1524-A, subsection 3 are eligible for the  
limited interpreter, limited translitterator or limited deaf  
30 interpreter license. Interpreters, deaf interpreters and  
translitterators who obtain limited licensure status pursuant to  
32 this section shall comply with all other licensure requirements  
and must complete the education and training requirements set  
34 forth in section 1524, subsection 4 or 1524-A, subsection 3  
within 3 years of obtaining a limited license or be subject to  
36 nonrenewal.

38 **Sec. 18. Department of Professional and Financial Regulation;**  
**report.** The Department of Professional and Financial Regulation  
40 shall report to the joint standing committee of the Legislature  
having jurisdiction over business matters by February 15, 2003.  
42 The report must be developed by the Commissioner of Professional  
and Financial Regulation in consultation with the advisory  
44 council and must include, but is not limited to, a review of the  
adequacy of licensure standards set forth in the Maine Revised  
46 Statutes, Title 32, chapter 22 and an assessment of the continued  
efficacy of an exemption from licensure for nonresident  
48 interpreters. The report may include legislation based on the  
recommendations of the department. The joint standing committee  
of the Legislature having jurisdiction over business matters may  
50 submit legislation based on the recommendations of the report.



2 the method by which the State should regulate interpreters for  
the deaf and hard-of-hearing.

4 This bill will replace the existing interpreter registration  
6 process with a licensing process, effective June 30, 2000. There  
will be 2 levels of licensure, limited and certified. Applicants  
8 for limited licensure must have 100 hours of instruction in  
American Sign Language or be certified as having equivalent  
10 skills, and must have 100 hours of instruction in the  
interpreting process. Applicants for certified licensure must  
12 show proof of national certification as an interpreter or  
transliterator. Licensees will be held to a code of ethics.

14 All persons who are registered under current law when this  
bill becomes effective will be eligible for limited licensure.  
16 Those persons will have 3 years from the date of their licensure  
to meet the standard education and training requirements if they  
18 have not already done so.

20 This bill excludes practitioners of cued speech from the  
definition of "interpreter" for purposes of the chapter. The  
22 intent is to not regulate practitioners of cued speech at this  
time.