

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

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Legislative Document

No. 1751

H.P. 1246

House of Representatives, May 16, 2019

An Act To Amend and Clarify the Laws Concerning American Sign Language Interpreters

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FECTEAU of Biddeford.

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

2 **Sec. 1. 5 MRSA §48-A, sub-§1, ¶M**, as amended by PL 2017, c. 223, §2, is
3 further amended to read:

4 M. "Qualified legal interpreter" means a person who is licensed under Title 32,
5 chapter 22 as a certified interpreter; or certified deaf interpreter ~~or certified~~
6 ~~transliterater~~ and who:

7 (1) Is a hearing person who:

8 (a) Holds a current Specialist Certificate: Legal from the Registry of
9 Interpreters for the Deaf, Inc. or its successor;

10 (b) Satisfies the eligibility criteria for taking the exam for the specialist
11 certificate described in division (a) as long as, by January 1, 2012, that
12 person obtains the specialist certificate described in division (a);

13 (c) Is included on the bureau's list of qualified interpreters on the effective
14 date of this section, as long as that person, by January 1, 2006, meets the
15 eligibility criteria for taking the exam for the specialist certificate described
16 in division (a) and, by January 1, 2012, obtains the specialist certificate
17 described in division (a); or

18 (d) Possesses qualifications, certifications or credentials to interpret in court
19 proceedings as established by the Supreme Judicial Court; or

20 (2) Is a deaf interpreter who holds a current Certificate of Interpretation from the
21 Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills
22 Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor.
23 Beginning January 1, 2006, a deaf person, hard-of-hearing person or late-
24 deafened person must also satisfy the eligibility criteria for taking the exam for
25 the Specialist Certificate: Legal or its successor.

26 **Sec. 2. 29-A MRSA §1358, sub-§1, ¶E**, as reallocated by RR 2005, c. 1, §13, is
27 amended to read:

28 E. "Licensed interpreter" means a person who provides sign language interpreting
29 services and is licensed under Title 32, ~~section 1524~~ or section 1524-B or 1524-C.

30 **Sec. 3. 32 MRSA §1521, sub-§1**, as enacted by PL 1997, c. 749, §3, is repealed.

31 **Sec. 4. 32 MRSA §1521, sub-§§1-B to 1-D** are enacted to read:

32 **1-B. Accredited.** "Accredited" means an educational institution that is approved by
33 the United States Department of Education or a regional or national accrediting agency
34 recognized by the United States Department of Education.

35 **1-C. American Sign Language proficiency interview.** "American Sign Language
36 proficiency interview" means a holistic language evaluation that is used to determine
37 global American Sign Language proficiency and that is administered by an educational

1 testing service organization and evaluated by an American Sign Language evaluation
2 service organization recognized by the director.

3 **1-D. Conditional license.** "Conditional license" means a license granted to an
4 applicant who has completed the educational requirements under section 1524-C, passed
5 a national interpreter certification knowledge exam and passed an American Sign
6 Language proficiency interview but who is not certified with the Registry of Interpreters
7 for the Deaf, Inc. or a comparable or successor organization recognized by the director.

8 **Sec. 5. 32 MRSA §1521, sub-§3-A** is enacted to read:

9 **3-A. Director.** "Director" means the Director of the Office of Professional and
10 Occupational Regulation within the department.

11 **Sec. 6. 32 MRSA §1521, sub-§6**, as amended by PL 1999, c. 399, §6 and §20, is
12 further amended to read:

13 **6. Interpreter.** "Interpreter or transliterator" means a person who provides any of
14 the following services:

15 ~~A. English-based transliterating, which includes but is not limited to conveying a~~
16 ~~message by visible representations of the English language such as manually coded~~
17 ~~English and oral transliteration. This process conveys information from one mode of~~
18 ~~English to another mode of English;~~

19 B. American Sign Language-based interpreting, which is the process of conveying
20 information between American Sign Language and English; or

21 C. Intermediary interpreting, which means interpreting services rendered by a deaf
22 interpreter to facilitate communication between another deaf person and another
23 licensed interpreter or between 2 or more deaf persons.

24 **Sec. 7. 32 MRSA §1521, sub-§7** is enacted to read:

25 **7. National interpreter certification knowledge exam.** "National interpreter
26 certification knowledge exam" means an entry-level exam administered by the Registry
27 of Interpreters for the Deaf, Inc., or a comparable or successor organization recognized by
28 the director, that tests for knowledge appropriate to an interpreter holding national
29 certification and covers the Registry of Interpreters for the Deaf, Inc. Code of
30 Professional Conduct, interpreting issues and theory, culture and American Sign
31 Language linguistics.

32 **Sec. 8. 32 MRSA §1522**, as amended by PL 2007, c. 402, Pt. K, §1, is further
33 amended to read:

34 **§1522. Director; powers and duties**

35 The ~~commissioner~~ director has the following powers and duties in addition to other
36 powers and duties set forth in this chapter.

1 **1. Rules.** The ~~commissioner~~ director shall establish guidelines and adopt rules
2 in accordance with the Maine Administrative Procedure Act necessary to carry out the
3 purposes of this chapter necessary for the proper administration and enforcement of this
4 chapter. Rules adopted under this ~~chapter~~ subsection are routine technical rules pursuant
5 to Title 5, section 8071 as defined in Title 5, chapter 375, subchapter 2-A.

6 ~~**2. Licensure.** The commissioner shall license a person who has successfully~~
7 ~~complied with the application process established by the department, paid the required~~
8 ~~fees established by the department under sections 1527 and 1528 and met the~~
9 ~~qualifications for licensure as set forth in section 1524. The commissioner shall make~~
10 ~~available, at cost, a directory that contains the names of all individuals licensed pursuant~~
11 ~~to this chapter.~~

12 **4. Advisory council.** The ~~commissioner~~ director, as necessary, may select members
13 of the interpreting profession and other interested parties to serve on an advisory council
14 to advise and consult with the ~~commissioner~~ director concerning the regulation of
15 interpreters for the deaf and hard-of-hearing. Service on the council is not in itself a
16 conflict of interest regardless of the occupations or associations of the members.

17 **Sec. 9. 32 MRSA §1524**, as amended by PL 2007, c. 402, Pt. K, §2, is repealed.

18 **Sec. 10. 32 MRSA §1524-A**, as amended by PL 2007, c. 402, Pt. K, §§3 and 4, is
19 repealed.

20 **Sec. 11. 32 MRSA §1524-B**, as amended by PL 2009, c. 112, Pt. A, §§6 and 7, is
21 further amended to read:

22 **§1524-B. Requirements for licensure; certified interpreter and certified deaf**
23 **interpreter**

24 To be eligible for licensure as a certified interpreter; or certified deaf interpreter ~~or~~
25 ~~certified transliterator~~ under this chapter, an applicant must be at least 18 years of age and
26 must provide the following:

27 ~~**1. High school diploma.** Proof of a high school diploma or the equivalent; and~~

28 **3. Proof of certification.** Documented proof of valid certification by the Registry of
29 Interpreters for the Deaf, Inc.; ~~documented proof of a minimum certification level of 4~~
30 ~~from the National Association of the Deaf, Inc.~~ or comparable certification by a
31 comparable or successor organization recognized by the ~~commissioner~~ director that is
32 current at the time of application.

33 **Sec. 12. 32 MRSA §1524-C** is enacted to read:

34 **§1524-C. Requirements for licensure; conditional interpreter and conditional deaf**
35 **interpreter**

36 No more than one conditional license may be issued to a person who has completed
37 the education requirements of this chapter. A conditional license may be held no more

1 than 4 years, except that a 5th year may be granted by the director upon demonstration of
2 extreme hardship.

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

6 **1. Proof of proficiency in American Sign Language.** Documented proof of a score
7 of 3.5 or higher on an American Sign Language proficiency interview; and

8 **2. Proof of education and training in the interpreting process.** Documented
9 proof of the following:

10 A. An associate degree or higher in American Sign Language, American Sign
11 Language interpreting or deaf studies from an accredited college or university;

12 B. For persons holding a limited license that is current on the effective date of this
13 section, an alternative pathway approved by the Registry of Interpreters for the Deaf,
14 Inc. or a comparable or successor organization recognized by the director;

15 C. A passing score on a national interpreter certification knowledge exam; or

16 D. A passing score on a certified deaf interpreter knowledge exam administered by
17 an organization that assesses language interpretation recognized by the director.

18 **Sec. 13. 32 MRSA §1525**, as amended by PL 1999, c. 399, §12 and affected by
19 §20, is further amended to read:

20 **§1525. License required**

21 After June 30, 2000, a A person may not provide interpreting services as defined in
22 this chapter for compensation or remuneration unless properly licensed in accordance
23 with this chapter. This section also applies to a person providing video-based interpreting
24 services in which one or more participants are physically located in the State and the
25 person providing the services does not meet the exemptions as set out under section
26 1525-A.

27 **Sec. 14. 32 MRSA §1525-A, sub-§1**, as enacted by PL 1999, c. 399, §13 and
28 affected by §20, is amended to read:

29 **1. Nonresident interpreters.** This chapter does not apply to certified interpreters
30 who are residents of a jurisdiction other than this State and who do not interpret for
31 compensation or remuneration in the State for more than ~~460~~ 60 hours per year. Service
32 during declared state or national emergencies does not count toward the ~~460~~ 60 hours per
33 year limitation.

34 **Sec. 15. 32 MRSA §1527**, as amended by PL 2007, c. 402, Pt. K, §6 and PL 2011,
35 c. 286, Pt. B, §5, is further amended to read:

1 **§1527. Fees**

2 ~~The Director of the Office of Professional and Occupational Regulation within the~~
3 ~~department~~ director may establish by rule fees for purposes authorized under this chapter
4 in amounts that are reasonable and necessary for their respective purposes, except that ~~an~~
5 ~~application a fee for any one purpose~~ may not exceed \$50, ~~an initial license fee may not~~
6 ~~exceed \$325~~ and an applicant who is deaf must pay an initial license fee of \$100. ~~An~~
7 ~~applicant for initial licensure, pursuant to section 1524, 1524-A or 1524-B, shall submit a~~
8 ~~written application with supporting documents to the department.~~ Rules adopted pursuant
9 to this section are routine technical rules as defined in Title 5, chapter 375, subchapter
10 2-A.

11 **Sec. 16. 32 MRSA §1528**, as amended by PL 2007, c. 402, Pt. K, §7, is further
12 amended to read:

13 **§1528. Renewal; inactive license**

14 All licenses must be renewed annually on or before June 30th of each year or at such
15 other time as the ~~commissioner~~ director may designate. A license not renewed by June
16 30th automatically expires. ~~The department may renew an expired license if the renewal~~
17 ~~application is returned within~~ A license may be renewed up to 90 days after the license
18 expiration date and upon payment of a late fee as set under section 1527 in addition to the
19 renewal fee as set under section 1527. A person who submits an application for renewal
20 more than 90 days after the license expiration date is subject to all requirements
21 governing new applicants under this chapter.

22 A licensee who is no longer actively providing interpreting services for compensation
23 or remuneration may apply for an inactive license pursuant to Title 10, section 8003,
24 subsection 5-A, paragraph D. The director may place the licensee on inactive status only
25 upon proper application by the licensee. A holder of an inactive license may not provide
26 interpreting services for compensation or remuneration in the State and must renew the
27 license and pay the license fees as set under section 1527 but is not required to meet the
28 continuing education requirements under section 1528-A. A holder of an inactive license
29 who wishes to reinstate that holder's active license must comply with the continuing
30 education requirements and pay the fees as provided in this chapter and the rules adopted
31 under this chapter.

32 **Sec. 17. 32 MRSA §1528-A**, as amended by PL 2005, c. 267, §4, is further
33 amended to read:

34 **§1528-A. Continuing education**

35 Renewal of a license under this chapter is contingent upon evidence of participation
36 in continuing education as determined by the director. A licensee shall certify at time of
37 renewal compliance with the continuing education requirements under this section.

38 **1. Limited interpreters.** ~~An application for renewal of a~~ A holder of a limited
39 ~~interpreter, limited transliterator licensed under former section 1524 or limited deaf~~
40 ~~interpreter license under former section 1524-A~~ must show proof of completion of

1 complete at least 20 hours annually of continuing education in American Sign Language
2 or the interpreting process.

3 **2. Certified interpreters.** ~~An applicant for renewal of a A certified interpreter, or~~
4 ~~certified deaf interpreter or certified transliterator license is not required to show proof of~~
5 ~~continuing education, but is required to show proof of maintain continued certification by~~
6 ~~either with the Registry of Interpreters for the Deaf, Inc. or the National Association of~~
7 ~~the Deaf, Inc., or a comparable or successor organization of either recognized by the~~
8 ~~commissioner director.~~

9 **3. Conditional interpreters.** A conditional interpreter or conditional deaf
10 interpreter must complete at least 20 hours annually of continuing education in American
11 Sign Language or the interpreting process.

12 **Sec. 18. 32 MRSA §1531**, as amended by PL 2005, c. 267, §5, is repealed.

13 **Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In
14 the Maine Revised Statutes, Title 32, chapter 22, in the chapter headnote, the words
15 "American sign language, English interpreters and transliterators" are amended to read
16 "American sign language interpreters" and the Revisor of Statutes shall implement this
17 revision when updating, publishing or republishing the statutes.

18 **Sec. 20. Discontinuance of initial licensure; renewal of existing license.** A
19 new limited interpreter license may not be issued by the Director of the Office of
20 Professional and Occupational Regulation within the Department of Professional and
21 Financial Regulation on or after the effective date of this Act. The holder of an existing
22 limited interpreter license under the Maine Revised Statutes, Title 32, former section
23 1524 or a limited deaf interpreter license under Title 32, former section 1524-A may
24 renew that license in the manner set forth in the Maine Revised Statutes, Title 32, chapter
25 22. A limited interpreter license expires in the manner set forth in section 1528.

26 **SUMMARY**

27 This bill amends the laws governing American Sign Language interpreters to update
28 educational requirements, remove the transliterator license category, remove the limited
29 license category, establish a new conditional license category, clarify continuing
30 education requirements and create an inactive license status.