

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1904

S. P. 616

Office of the Secretary of the Senate

The Committee on Human Resources suggested by Committee on Reference of Bills.
Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

MAY M. ROSS, Secretary

Presented by Senator Hichens of York

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Provide Interpreter Service for the Hearing Impaired.

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

Sec. 1. 5 MRSA § 48 is enacted to read:

§ 48. Interpreter service for the deaf and hearing impaired.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms shall have the following meanings.

A. "Appointing authority" means the presiding justice of any court, the chairman of any board, commission or authority and the director or commissioner of any department or agency, or any other person presiding at any hearing or other proceeding wherein a qualified interpreter is required pursuant to this section.

B. "Compensation" means an interpreting fee for interpreting time of service performed by an appointed interpreter or person.

C. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.

D. "Directory" means a listing of all qualified interpreters in the State.

E. "Hearing impaired person" means a person whose sense of hearing is defective, but functional to some degree with or without amplification.

F. "Interpreting agency" means an agency whose function is to provide qualified

interpreter services for a fee, including travel expenses, for the purpose of forming a communication bridge between any state agency and a deaf or hearing impaired person.

G. "Proof of disability" means reasonable proof of disability or an identification of deafness card, furnished by the Bureau of Rehabilitation, which an appointing authority may require a person requesting the appointment of an interpreter to furnish, when the appointing authority has reason to believe that the person is not so disabled.

H. "Qualified interpreter" means a person certified by the National Registry of Interpreters for the Deaf or the Maine Registry of Interpreters for the Deaf, or assigned by an official interpreting agency, or, in the event an interpreter so qualified is unavailable, the interpreter whose actual qualifications are otherwise appropriately determined. A qualified interpreter shall be able to recognize the comprehension level of a deaf or hearing impaired person and shall be able to readily communicate effectively in a mode of communication used by the deaf or hearing impaired person and to translate accurately the statements of the deaf or hearing impaired person into spoken English.

I. "Qualified person" means a person who shall be able to recognize the comprehension level of a deaf or hearing impaired person and to communicate effectively in a mode of communication used by the deaf or hearing impaired in a meaningful basis. A qualified person whose actual qualifications are appropriately determined may perform in line of service of any agency, association or institution or at the request of the deaf or hearing impaired person.

J. "State agency" means a state department, agency, office, board, commission or quasi-independent agency, board, commission, authority or institution.

K. "Travel expenses" mean any actual expense for transportation reimbursed at the usual state mileage rate, tolls, parking fees or other fees specified in an agreement between an interpreter, an interpreter agency or a qualified person and a state agency retaining the services of the interpreter or person at a specific date, time and place.

2. Bureau of Rehabilitation to Arrange for Interpreters.

A. In any criminal or civil action involving a deaf or hearing impaired person, the court shall make a request to the Bureau of Rehabilitation to appoint a qualified interpreter to assist that person throughout that proceeding.

B. In any proceeding before an administrative or executive board, commission, agency, bureau, committee or other body of the State or any of its political subdivisions involving a deaf or hearing impaired person, that body shall make a request to the Bureau of Rehabilitation to appoint a qualified interpreter to assist that person throughout that proceeding.

C. In any proceeding before an administrative or executive board, committee or any similar body provided by an employer to hear employee grievances involving a deaf or hearing impaired person, upon the request of the employee, that body shall make a timely request to the Bureau of Rehabilitation to appoint a qualified interpreter to assist that person throughout that proceeding.

D. If the choice of a qualified interpreter does not meet the needs of a deaf or hearing impaired person, the appointing authority shall appoint another qualified interpreter.

3. Means of interpreting. Any qualified person or interpreter retained for the purposes set

our in subsection 2 shall interpret by means of manual communications for the deaf or oral interpretation or writing.

4. Interpreting services and coordination for interpreters; request to the Bureau of Rehabilitation; interpreter compensation; continuation of services.

A. The Bureau of Rehabilitation is authorized and directed to prepare and continually update a listing of qualified and available interpreters and qualified and available persons as defined in subsection 1, paragraphs H and I, with the cooperation of the Maine Association of the Deaf, the National Registry of Interpreters for the Deaf and the State Registry of Interpreters for the Deaf. When requested by an appointing authority to provide an interpreter, the Bureau of Rehabilitation shall make all contacts and do all things necessary to provide the appointing authority with the qualified interpreter at the time and place needed.

B. Whenever an appointing authority receives a valid request for the services of an interpreter, the authority shall request the Bureau of Rehabilitation to furnish the authority with a qualified interpreter at a time and place and for a period specified by the authority.

C. An interpreter appointed under this section shall be reimbursed by the appointing authority at a fixed rate reflecting the current fee schedule as established by the Bureau of Rehabilitation, plus travel expenses. Nothing in this section shall be construed to prevent any state department, board, commission, agency or licensing authority, or any political subdivision of the State, from employing an interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate.

D. It shall be the sole responsibility of the Director of the Bureau of Rehabilitation to assure implementation and continuation of the provisions of this section.

Sec. 2. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1978-79
HUMAN SERVICES, DEPARTMENT OF	
Bureau of Rehabilitation	
Personal Services	\$10,400
All Other	4,600
	\$15,000

Funds appropriated to the Bureau of Rehabilitation shall be administered and distributed by contractual arrangements with a designated interpreting agency or independent interpreters whose function is to provide qualified interpreter services for a fee, including travel expenses. The contractual arrangements shall provide for an assurance of quality services and confidentiality of information according to the code of ethics of the National Registry of Interpreters for the Deaf. Any balances remaining at the end of the fiscal year shall not lapse, but shall be carried forward from year to year to be expended for the same purpose.

STATEMENT OF FACT

This bill will provide for interpreter services and coordination for interpreters for deaf

and hearing impaired persons when requested by the person or by an appointing authority at a hearing or other proceeding involving the deaf or hearing impaired person.

This bill is written with the intent to conform to section 504 of the Rehabilitation Act of 1973. Guidelines on section 504 have been effective since June 3, 1977.

Section 504 of PL 93-112 provides that "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied benefits of or be subject to discrimination under any program or activity receiving federal financial assistance."