

# MAINE STATE LEGISLATURE

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New Draft: S. P. 616, L. D. 1904  
SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2169**

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S. P. 702

In Senate, February 28, 1978

Reported by Senator Lovell of York from the Committee on Human Resources  
and Printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT To Provide Interpreter Service for the Hearing Impaired.**

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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. "Compensation" means an interpreting fee for interpreting time of service performed by an appointed qualified interpreter.
- B. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.
- C. "Directory" means a listing of all qualified interpreters in the State.
- D. "Hearing impaired person" means a person whose sense of hearing is defective, but still functional, with or without amplification.
- E. "Interpreting agency" means an agency whose function is to provide qualified interpreter services for a fee, including travel expenses.

**F. “Proof of deafness or hearing impairment” means reasonable proof which a state agency or county may require a person requesting the appointment of a qualified interpreter or a qualified person to furnish, when it has reason to believe that the person is not deaf or hearing impaired.**

**G. “Qualified interpreter” means a person who is able to recognize the comprehension level of a deaf or hearing impaired person and is able to 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.**

**H. “State agency” means any agency as defined in Title 5, section 8002.**

**I. “Travel expenses” means 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 or an interpreter agency and a state agency retaining the services of the interpreter or person at a specific date, time and place.**

**2. Interpreter services required. A qualified interpreter shall be appointed as follows.**

**A. Whenever any personal or property interest of a deaf or hearing impaired person is the subject of a public proceeding before any state agency or court, the presiding officer of the proceeding shall, upon request of the deaf or hearing impaired person appoint a qualified interpreter.**

**B. In appointing a qualified interpreter, the presiding officer shall give first consideration to persons who are certified by the National Registry of Interpreters for the Deaf or the Maine Registry of Interpreters for the Deaf.**

**C. The presiding officer may require proof of deafness or hearing impairment prior to appointing a qualified interpreter.**

**D. The qualified interpreter shall be appointed after consultation with the deaf or hearing impaired person. If the appointed qualified interpreter does not meet the needs of the deaf or hearing impaired person, the presiding officer shall, upon the request of the deaf or hearing impaired person, appoint another qualified interpreter.**

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

**A. With the cooperation of the Maine Association of the Deaf and the National Registry of Interpreters for the Deaf, the Bureau of Rehabilitation is authorized and directed to prepare and continually update a listing of qualified and available interpreters.**

**B. When requested by a state agency or court, the Bureau of Rehabilitation shall furnish the state agency or court with a directory of information on appropriate and qualified interpreter sources.**

**C. An interpreter appointed under this section shall be reimbursed by the Bureau of Rehabilitation, upon certification by the appropriate state agency or court of services performed, 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 as preventing any state department, board, commission, agency or licensing authority, or any political subdivision of the State, from employing a qualified 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:

	<b>1978-79</b>
<b>HUMAN SERVICES, DEPARTMENT OF</b>	
<b>Bureau of Rehabilitation</b>	
All other	<b>\$20,000</b>

Funds appropriated to the Bureau of Rehabilitation shall be expended as necessary to carry forth the purposes of this Act.

**STATEMENT OF FACT**

This new draft will provide for interpreter services and coordination of 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 new draft 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."