

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1138, L.D. 1663, Bill, "An Act to Preserve the Confidentiality of Communications by Interpreters for the Deaf"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §48, sub-§1, ¶¶A-1, A-2 and E-1 are enacted to read:

A-1. "Client" means a person who is deaf, hearing impaired or hearing who is rendered interpreting services by a privileged interpreter.

A-2. "Confidential communication" means a communication that a client has a reasonable expectation is not being disclosed to persons other than a privileged interpreter and any client to whom the communication is intended to be made.

E-1. "Privileged interpreter" means a person identified by clients as necessary to facilitate accurate communication between the clients and who otherwise has no substantial personal or business interest in the communication.

Sec. 2. 5 MRSA §48, sub-§4, as enacted by PL 1983, c. 70, is repealed and the following enacted in its place:

4. Privileged communication. Except when a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, a privileged interpreter may not disclose any aspect of a confidential communication facilitated by that interpreter unless all clients of the privileged interpreter privy to that communication consent to the disclosure.'

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STATEMENT OF FACT

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6 This amendment strikes the language of the bill. In its
place, this amendment provides definitions of "confidential
communication," "client" and "privileged interpreter." This
8 amendment provides that a privileged interpreter may not disclose
any aspect of a confidential communication facilitated by the
10 interpreter, unless all clients privy to that communication
consent to the waiver. This amendment also provides that a
12 court, in the exercise of sound discretion, may order disclosure
when it determines the disclosure necessary to the proper
14 administration of justice.

Reported by the Committee on Judiciary
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(5/30/91) (Filing No. H-510)