

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 465, L.D. 631, Bill, "An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress towards Compliance with the Americans with Disabilities Act"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 3 MRSA §163-B is enacted to read:

§163-B. Services within legislative branch

To assist in complying with state and federal laws regarding persons with disabilities, the following provisions apply to the Legislature.

1. Interpreters. The Legislative Council shall employ at least 2 session-only employees to serve as interpreters for the deaf and hard of hearing in all matters in which a request is made for interpretive services for any official legislative business within the State House complex or as approved elsewhere by the President of the Senate and the Speaker of the House of Representatives. The Legislative Council may employ the interpreters directly or by contract with a service providing interpreters, whichever is more cost-effective. The interpreters hired under this section must meet the following qualifications.

A. An interpreter must meet the qualifications of Title 5, section 48, subsection 1, paragraph G and must be able to assess consumer needs and provide appropriate services, including American Sign Language, oral interpretation and signed English.

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2 B. An interpreter must be eligible for national
3 certification and must obtain national certification within
4 3 years of beginning employment with the Legislative Council.

6 2. Large-area listening systems. The Legislative Council
7 shall install large-area listening systems in the following
8 locations within the State House complex:

10 A. The gallery of the Senate;

12 B. The gallery of the House of Representatives;

14 C. The public seating area of the committee room of the
15 joint standing committee of the Legislature having
16 jurisdiction over appropriations and financial affairs; and

18 D. The public seating area of the committee room, other
19 than the room listed in paragraph C, having the largest
20 capacity for public seating.

22 The Legislative Council shall establish the appropriate priority
23 for installation of the systems in the listed locations. The
24 Legislative Council shall maintain the systems in working order
25 and shall make the systems available to the public.

26 3. Cooperation with other state entities. To the extent
27 that the services of the interpreters hired pursuant to this
28 section are not required within the legislative branch, the
29 Legislature may, in its discretion, make the services of the
30 interpreters available to state and quasi-independent
31 departments, agencies, offices, boards and commissions at cost or
32 other mutually agreed-to fee.

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

42 Further amend the bill in section 2 in that part designated
44 "§48." in subsection 1 by striking out all of paragraph B (page
45 2, lines 35 to 37 in L.D.) and inserting in its place the
46 following:

48 'B. "Deaf person" means a person whose sense of hearing is
49 nonfunctional for the purpose of ordinary communication and
50 who must depend primarily upon visual communication.'

COMMITTEE AMENDMENT

2 Further amend the bill in section 2 in that part designated
3 "~~§48.~~" in subsection 1 by striking out all of paragraph D (page
4 2, lines 42 to 44 in L.D.) and inserting in its place the
5 following:

6
7 'D. "~~Hearing--impaired~~ Hard-of-hearing person" means a
8 person ~~whose--sense--of--hearing--is--defective,--but--still~~
9 ~~functional,--with--or--without--amplification~~ who has a hearing
10 loss resulting in a functional loss, but not to the extent
11 that the person must depend primarily upon visual
12 communication.'

14 Further amend the bill in section 2 in that part designated
15 "~~§48.~~" by striking out all of subsection 5.

16 Further amend the bill by striking out all of sections 3 and
17 4 and inserting in their place the following:

18
19 **'Sec. 3. Report from Legislative Council and state accessibility**
20 **office.** The Executive Director of the Legislative Council, on
21 behalf of the Legislature, and the state accessibility office
22 within the Department of Education, Office of Rehabilitation
23 Services, on behalf of the Executive Department, shall submit
24 reports to the Joint Standing Committee on Judiciary and the
25 Joint Standing Committee on State and Local Government by March
26 1, 1996. The reports must address the use of closed captioning
27 and large-area listening systems in all facilities used for
28 public meetings and public legislative functions, the provision
29 of portable assistive listening systems and full audio wiring of
30 all legislative hearing rooms. The reports must include plans to
31 achieve compliance with all requirements of state and federal law
32 regarding the deaf and hard of hearing. The reports must include
33 a schedule for achieving compliance and a listing of all tasks,
34 services and costs involved and any necessary legislation.

35
36 **Sec. 4. Process for hiring interpreters.** When hiring the 2
37 interpreters pursuant to the Maine Revised Statutes, Title 3,
38 section 163-B, the Legislative Council shall include in the
39 hiring process and in the interviews a committee of the deaf and
40 hard of hearing and a certified interpreter recommended by the
41 Maine Registry of Interpreters for the Deaf to ensure that the
42 interpreters who are hired are able to communicate effectively
43 with deaf or hard-of-hearing persons. The Legislative Council
44 may determine whether the most cost-effective method of providing
45 the interpreter services under Title 3, section 163-B is by
46 hiring session-only employees or by entering into a contract to
47 provide the same level of services.
48

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
LEGISLATURE		
Legislature		
All Other	\$39,000	\$62,000
Capital Expenditures	6,000	
Provides funds to employ at least 2 session-only interpreters and to install large-area listening systems.		
LEGISLATURE TOTAL	<u>\$45,000</u>	<u>\$62,000</u>

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

	1995-96	1996-97
APPROPRIATIONS/ALLOCATIONS		
General Fund	\$45,000	\$62,000

The bill includes additional General Fund appropriations of \$45,000 and \$62,000 in fiscal years 1995-96 and 1996-97, respectively, for the Legislature to employ at least 2 session-only interpreters and for the costs to install large-area listening systems in the State House complex.

The additional costs of reporting on the accessibility of facilities to the deaf and hard of hearing can be absorbed by the Legislature and the Office of Rehabilitation Services utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment makes the following changes to the bill.

It revises the proposal that the Legislature hire 2 full-time, year-round interpreters. Instead, the Legislative

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2 Council is required to hire at least 2 session-only employees to
3 serve as interpreters. The Legislative Council may employ the
4 interpreters directly or by contract with a service providing
5 interpreters, whichever is more cost-effective. The interpreters
6 are to provide interpretive services for official legislative
7 business within the State House complex, including interpreting
8 communications between Legislators and their constituents.
9 Provision of interpretive services by these employees for
10 legislative business elsewhere must first receive the approval of
11 the presiding officers of the Legislature.

12 This amendment deletes the qualification requirement that
13 the interpreter must be knowledgeable about legislative processes
14 and terminology. It authorizes the Legislative Council to charge
15 a fee to other state agencies that take advantage of the
16 interpreter services when the interpreters are not providing
17 services to the Legislature.

18 It directs the Legislative Council to establish a priority
19 ranking of the locations in which to have the large-area
20 listening systems installed.

21 It amends the definitions of "deaf person" and
22 "hard-of-hearing person" to be more consistent with current
23 literature and research on the subject.

24 It deletes the requirement that the Executive Department
25 hire 2 interpreters.

26 It clarifies that the Legislative Council is responsible for
27 preparing and submitting a report on behalf of the Legislature,
28 and the Office of Rehabilitation Services will prepare the report
29 for the Executive Department.