

MAINE STATE LEGISLATURE

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R. G. S.

L.D. 1483

DATE: *March 23, 1998*

(Filing No. S- 589)

BUSINESS AND ECONOMIC DEVELOPMENT

Reported by:

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 481, L.D. 1483, Bill, "An Act to License Interpreters for the Deaf and Hard-of-hearing"

Amend the bill by striking out the title and substituting the following:

'An Act to Register Interpreters for the Deaf and Hard-of-Hearing'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §48, sub-§5 is enacted to read:

5. Provide information. The Division of Deafness must provide information to the public, including state agencies and individuals who work with interpreters, regarding the registration requirements provided under Title 32, chapter 22.

Sec. 2. 10 MRSA §8001, sub-§38, as amended by PL 1997, c. 245, §19, is further amended by amending the last blocked paragraph to read:

The Office of Licensing and Registration also administers the following regulatory functions: licensure of athletic trainers; registration of massage therapists; registration of interpreters for the deaf and hard-of-hearing; registration of persons pursuant to the Charitable Solicitations Act; and registration of transient sellers, including door-to-door home repair transient sellers.

COMMITTEE AMENDMENT

2 C. Intermediary interpreting, which means interpreting
3 services rendered by a deaf person to facilitate
4 communication between another deaf person and another
5 registered interpreter or between 2 or more deaf persons.

6 **§1522. Commissioner; powers and duties**

8 The commissioner has the following powers and duties in
9 addition to other powers and duties set forth in this chapter.

10
11 1. Rules. The commissioner may adopt rules in accordance
12 with the Maine Administrative Procedure Act necessary to carry
13 out the purposes of this chapter. Rules adopted under this
14 chapter are routine technical rules pursuant to Title 5, section
15 8071.

16
17 2. Registration. The commissioner shall register a person
18 who has successfully complied with the application process
19 established by the department, paid the required fees
20 established by the department under sections 1527 and 1528 and
21 met the qualifications for registration as set forth in section
22 1524. The commissioner shall make available, at cost, a directory
23 that contains the names of all individuals registered pursuant to
24 this chapter.

25
26 3. Employees. The commissioner may appoint, subject to the
27 Civil Service Law, employees necessary to carry out the purposes
28 of this chapter. Those employees are considered to be department
29 employees.

30
31 **§1523. Privileged communication**

32
33 Individuals registered under this chapter are included under
34 the evidentiary communications privilege outlined in Title 5,
35 section 48, subsection 4.

36
37 **§1524. Requirements for registration**

38
39 To be eligible for registration under this chapter, an
40 applicant must be at least 18 years of age and must provide the
41 following:

42
43 1. High school diploma. Proof of a high school diploma or
44 the equivalent;

45
46 2. References. Letters of reference from 3 persons for
47 whom the applicant has worked on a compensated basis as an
48 interpreter. Two of the references must be persons who are deaf
49 or hard-of-hearing and one of the references must be a person
50 whose hearing is fully functional. All references must contain,

at a minimum, the name, address and phone number of the person giving the reference and a brief description of the quality of the services provided by the applicant;

3. Sworn statement. A sworn, signed statement that the applicant has read, understands and agrees to abide by the Code of Ethics of the Registry of Interpreters for the Deaf, Inc.; and

4. Summary of experience. A written summary of the applicant's interpreting education and experience, with proof of completion of at least 16 hours of interpreter education that specifically addresses the development of interpreter communication skills.

§1525. Registration required

After January 1, 1999, a person may not provide interpreting services as defined in this chapter for compensation unless properly registered in accordance with this chapter.

§1526. Temporary registration

A person who has not completed the requirements for registration under this chapter may apply for a temporary registration. The holder of a temporary registration may provide interpreting services for compensation for a term of 2 years. A temporary registration is not renewable.

§1527. Applications for registration and temporary registration: fees

An applicant for initial or temporary registration shall submit a written application with supporting documents to the department on forms provided by the department. The applicant shall pay a nonrefundable application fee established by the department in an amount not to exceed \$50, and an initial registration or temporary registration fee not to exceed \$100.

§1528. Renewal

All registrations except temporary registrations must be renewed annually on or before March 31st of each year or at such other time as the commissioner may designate. The annual registration renewal fee must be established by the department by rulemaking and may not exceed \$100. The commissioner shall notify each registrant, at the registrant's last known address, 30 days in advance of the expiration of the registration. Renewal notices must be on forms provided by the department. A registration not renewed by March 31st automatically expires. The department may renew an expired registration if the renewal

2 application is returned within 90 days after the registration
3 expiration date and upon payment of a late fee of \$10 in addition
4 to the renewal fee. A person who submits an application for
5 renewal more than 90 days after the registration expiration date
6 is subject to all requirements governing new applicants under
7 this chapter.

8 **§1529. Violations**

10 A person who violates section 1525 is guilty of a Class E
11 crime. The State may bring an action in Superior Court to enjoin
12 any person from violating this chapter, regardless of whether
13 procedures have been instituted in the Administrative Court or
14 whether criminal proceedings have been introduced.

16 **§1530. Revocation and reissuance**

18 The department may suspend or revoke registration pursuant
19 to Title 5, section 10004. In addition, the department may
20 refuse to issue or renew a registration pursuant to Title 10,
21 subsection 8003 or the Administrative Court may revoke, suspend
22 or refuse to renew the registration of an interpreter for:

24 1. Fraud. The practice of fraud in obtaining a
25 registration under this chapter;

26 2. Incompetency. A court finding of mental incompetency;

28 3. Criminal conviction. Conviction of a crime, subject to
29 the limitations of Title 5, chapter 341, that if committed in the
30 State is punishable by one year or more of imprisonment;

32 4. Violation. Violation of this chapter or any rule
33 adopted by the department; or

36 5. Unethical conduct. A finding of a violation of the Code
37 of Ethics of the Registry of Interpreters for the Deaf, Inc.

38 **Sec. 4. Technical review committee.**

40 1. Establishment. The Commissioner of Professional and
41 Financial Regulation shall establish a technical review committee
42 on interpreters. The technical review committee is charged with
43 determining the method by which the State should regulate
44 interpreters.

46 2. Report. No later than February 15, 1999, the technical
47 review committee shall submit a written report together with
48 recommended legislation to the Governor and the joint standing
49 committee of the Legislature having jurisdiction over business
50

A 48

and economic development matters with a copy to the Executive Director of the Legislative Council and the Law and Legislative Reference Library. The technical review committee shall make an oral report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters no later than March 1, 1999. The joint standing committee of the Legislature having jurisdiction over business and economic development matters may submit legislation based on the recommendations of the technical review committee.

Sec. 5. Department of Education; report. The Department of Education must report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over business and economic development matters by February 15, 1999. Items in this report must include, without limitation, the following:

1. The qualifications and experience of educational technicians and others working as interpreters in kindergarten to grade 12 schools;

2. The need for additional training for educational technicians and others working as interpreters in kindergarten to grade 12 schools;

3. The availability of funding for interpreters' training program development in Maine;

4. A review of the impact of standards for interpreters in educational settings, both for the training of interpreters in education and for the classification and credentialing of interpreters in education;

5. A review of student performance on the Maine Education Assessment and local assessments relating to interpreting services; and

6. A report on the expansion of the capacity for professional development of interpreters throughout the University of Maine System, including the possibility of coordinating efforts with other interpreter training institutions in the State.

Sec. 6. Working capital advances. The State Controller is authorized to advance from the General Fund Unappropriated Surplus the following amounts to be used for any necessary start-up costs associated with the registration of interpreters required under the Maine Revised Statutes, Title 32, chapter 22: \$17,000 to the Office of Licensing and Registration within the

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Department of Professional and Financial Regulation. Funds advanced for this purpose must be returned to the General Fund Unappropriated Surplus from the first \$17,000 received by the State under Title 32, chapter 22.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

**Administrative Services - Professional
and Financial Regulation**

All Other \$22,620

Appropriates funds for the costs of establishing and providing staff for a technical review committee on interpreters.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION
TOTAL**

\$22,620

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

Division of Licensing and Enforcement

All Other 17,000

Allocates funds for the costs of registering interpreters for the deaf and hard-of-hearing.

**DEPARTMENT OF PROFESSIONAL AND
FINANCIAL REGULATION
TOTAL**

\$17,000'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

1998-99

APPROPRIATIONS/ALLOCATIONS

| | |
|--------------|----------|
| General Fund | \$22,620 |
| Other Funds | 17,000 |

REVENUES

| | |
|-------------|----------|
| Other Funds | \$16,950 |
|-------------|----------|

This bill includes a one-time General Fund appropriation of \$22,620 in fiscal year 1998-99 to the Department of Professional and Financial Regulation for the initial costs of establishing and providing staff support for a technical review committee on interpreters.

The bill also authorizes a working capital advance of \$17,000 to the Department of Professional and Financial Regulation from the General Fund Unappropriated Surplus. This advance must be repaid from the first \$17,000 collected by the department from the registration of interpreters for the deaf and hard-of-hearing.

The Division of Licensing and Enforcement within the Department of Professional and Financial Regulation will require an additional Other Special Revenue allocation of \$17,000 in fiscal year 1998-99 for the initial costs of administering the registration of interpreters for the deaf and hard-of-hearing. The estimated future costs in fiscal years 1999-2000 and 2000-01 will be approximately \$5,000 for each fiscal year.

The registration of interpreters for the deaf and hard-of-hearing will result in increased dedicated revenues collected by the Division of Licensing and Enforcement. The estimated annual increase of dedicated revenue collected by the division from application and registration fees is \$16,950 beginning in fiscal year 1998-99.

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$86.45 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may

2 result in a jail sentence and the resulting costs to the county
jail system are expected to be insignificant.

4 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
6 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
8 General Fund revenue by minor amounts.

10 The additional costs associated with reporting to the
Legislature on issues dealing with interpreter services in public
12 schools can be absorbed by the Department of Education utilizing
existing budgeted resources.'

14
16 **SUMMARY**

18 This amendment creates requirements for registration of
interpreters for the deaf and hard-of-hearing and establishes
20 procedures and guidelines for the registration of interpreters to
be carried out by the Department of Professional and Financial
22 Regulation.

24 This amendment also creates a technical review committee to
study the issue of how interpreters should be further regulated.
26 It also requires the Department of Education to report back to
the joint standing committee of the Legislature having
28 jurisdiction over business and economic development matters and
the joint standing committee of the Legislature having
30 jurisdiction over education and cultural affairs with respect to
interpreter issues within the school system, as well as
32 interpreter training programs. Finally, the amendment requires
the Division of Deafness to notify the public and state agencies
34 with regard to the regulatory changes encompassed by this
amendment.

36
38 The amendment also adds appropriation and allocation
sections and a fiscal note to the bill.