

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1483

S.P. 481

In Senate, March 11, 1997

An Act to License Interpreters for the Deaf and Hard-of-hearing.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TREAT of Kennebec.
Cosponsored by Senator DAGGETT of Kennebec, Representatives: COWGER of Hallowell,
GREEN of Monmouth, JONES of Greenville, WRIGHT of Berwick.

2 **8. Interpreting.** "Interpreting" means the process of
4 providing accessible communication between and among persons who
6 are deaf, hard-of-hearing and can hear, who do not share a common
8 means of communication. This process includes, without
limitation, interpreting and transliterating as described in
subsection 13 and visual, gestural, auditory and tactile
communication.

10 **9. Interpreting agency.** "Interpreting agency" means an
12 agency whose function is to provide qualified interpreter
14 services for a fee, usually including a fee for travel time,
accessing the pool of interpreters licensed under this chapter.

16 **10. Interpreter or transliterator.** "Interpreter or
18 transliterator" means a person who provides any of the following
20 services:

22 A. English-based transliterating, which includes but is not
24 limited to conveying a message via visible representations
26 of the English language such as manually coded English and
28 oral transliteration. This process conveys information from
30 one mode of English to another mode of English;

32 B. American Sign Language-based interpreting, which is the
34 process of conveying information between American Sign
36 Language and English; and

38 C. Intermediary interpreting, which means interpreting
40 services rendered by a deaf person to facilitate
42 communication between another deaf person and another
44 licensed interpreter or between 2 or more deaf persons.

46 **11. Interpreter education program.** "Interpreter education
48 program" means a postsecondary degree-granting program of at
50 least 2 years in duration whose curriculum meets or surpasses the
minimum educational standards put forth by a nationwide
organization that sets educational standards for interpreters.
Exceptions may be made for non-degree granting programs whose
curricula have been developed and approved by a postsecondary
institution providing the curricula meet or surpass the minimum
standards set by a nationwide organization that sets educational
standards for interpreters.

52 **12. Special purpose license.** "Special purpose license"
54 means either:

56 A. A provisional license issued to an interpreter in
58 training, or other eligible person as defined by the board;
60 or

2 B. A temporary license issued to an interpreter visiting
4 from another state, or other eligible person as defined by
 the board.

6 **§1522. Use of interpreter or transliterator title; display of**
 license

8
10 1. Use of title. A person may not engage in the practice
 of or offer to engage in the practice of interpreting or
12 transliteration for compensation, use the title "interpreter" or
 "transliterator" in advertisements or descriptions, or perform
14 the function of or convey the impression that the person is an
 interpreter or transliterator for compensation unless the person
16 is currently licensed under this chapter and the rules adopted
 pursuant to this chapter.

18 2. Documentation. An appointing authority shall provide
 documentation of licensure under this chapter for interpreters
20 functioning as interpreters.

22 3. Display of license. The licensee shall carry a
 wallet-size verification of the license while working as proof of
24 current licensure. The license or a duplicate must be made
 available to the employer or employing agency.

26
28 **§1523. Board of Licensure of American Sign Language, English**
 Interpreting and Transliterating Professionals;
 establishment; compensation

30
32 1. Establishment. The Board of Licensure of American Sign
 Language, English Interpreting and Transliterating Professionals
34 within the Department of Professional and Financial Regulation,
 as established by Title 5, section 12004-A, subsection 20-A,
36 shall carry out the purposes of this chapter.

38 2. Members. The board consists of 7 members, appointed by
 the Governor. Each member must be a resident of this State.
40 Membership of the board is as follows:

42 A. Three interpreters, all qualifying for licensure under
 this chapter, as follows: one interpreter who is a deaf
44 person, one interpreter representing a statewide
 organization that registers interpreters for the deaf and
46 one interpreter involved in an interpreter education program;

48 B. Three consumers as follows: one deaf person, one
 hard-of-hearing person and one deaf person representing a
50 statewide association of deaf persons; and

2 C. One member of the public, not licensed under this
3 chapter.

4 3. Timetable. The Governor shall make initial appointments
5 within 3 months from the effective date of this chapter. The
6 commissioner shall call the first meeting of the board within 30
7 days of the completion of the appointments of the initial members.

8 4. Terms of office. Of the first board members, the
9 Governor shall appoint 2 members for a one-year term, 3 members
10 for a 2-year term and 2 members for a 3-year term. The members'
11 successors must be appointed for 3-year terms, except that any
12 person chosen to fill a vacancy may be appointed only for the
13 unexpired term of the board member to be succeeded. Upon the
14 expiration of the term of office, a board member shall continue
15 to serve until a successor has been appointed and qualified. A
16 person may not be appointed for more than 2 consecutive terms.

17 5. Removal. The Governor may remove any member of the
18 board for cause and the reason for the termination of each
19 appointment must be communicated to each member so terminated.

20 6. Compensation. Members of the board are compensated
21 according to the provisions of Title 5, chapter 379, except that
22 expenses may not exceed the fees collected by the board. If the
23 fees to be collected under this chapter are insufficient to pay
24 the compensation provided by this section, the board members are
25 entitled to a pro rata payment in any years in which those fees
26 are insufficient.

27 7. Chair; meetings; quorum. The board shall elect a chair
28 and secretary at its first meeting of each year. No person may
29 serve as chair for more than 3 years. The board shall hold at
30 least 2 regular meetings each year. Additional meetings may be
31 held upon the call of the chair or the secretary or upon the
32 written request of any 2 board members. Three members of the
33 board constitute a quorum.

34 **§1524. Powers and duties of board**

35 The board has the following powers and duties in addition to
36 other powers and duties set forth in this chapter.

37 1. Standards. The board shall administer and enforce this
38 chapter, set forth education and examination standards and
39 establish qualifications for licensure.

40 2. Rules. The board may adopt, in accordance with the
41 Maine Administrative Procedure Act, rules necessary to carry out
42 the purposes of this chapter. Rules adopted pursuant to this

2 chapter are routine technical rules as defined by Title 5,
3 chapter 375, subchapter II-A.

4 **3. Complaints.** The board shall:

6 A. Investigate or cause to be investigated all complaints
7 made on its own motion or on written or videotaped
8 complaints filed with the board and all cases of
9 noncompliance with or violation of this chapter or any rules
10 adopted by the board; and

12 B. Utilize the complaint policies and procedures of the
13 Department of Professional and Financial Regulation, Office
14 of Licensing and Registration.

16 **4. Disciplinary action.** The board may take disciplinary
17 action following an investigation. If a violation of any law or
18 rule established pursuant to this chapter is determined, the
19 board may take one or more of the disciplinary actions set forth
20 in Title 10, section 8003, subsection 5.

22 **5. Records.** The board shall keep records and minutes as
23 are necessary to ordinary dispatch of its functions.

24 **6. Reports.** The board shall submit to the commissioner an
25 annual report of its operations for the preceding fiscal year no
26 later than August 1st.

28 **7. Directory.** The department shall make available, at
29 cost, a directory that contains the names of all individuals
30 licensed by the board.

32 **8. Application.** The board shall develop an application
33 process and fee structure.

36 **9. Officers.** The board shall elect from among its members
37 officers as it determines necessary. The secretary shall keep
38 records and minutes of all activities and meetings.

40 **10. Code of professional conduct.** The board shall adopt a
41 code of professional conduct generally in keeping with standards
42 established by the national professional associations concerned
43 with the areas of board responsibility.

44 **11. Hearings.** The board shall conduct hearings to assist
45 with investigations and to determine whether grounds exist for
46 suspension, revocation or denial of a license, or as otherwise
47 necessary to the fulfillment of its responsibilities under this
48 chapter.

50

2 12. Appeals. The board may not refuse to renew a license
3 for any reason other than failure to pay a required fee, unless
4 it has afforded the licensee an opportunity for an adjudicatory
5 hearing. The board shall hold an adjudicatory hearing at the
6 written request of any person who is denied a license without a
7 hearing for any reason other than failure to pay a required fee,
8 provided that the request for a hearing is received by the board
9 within 30 days of the applicant's receipt of a written notice of
10 the denial of the application, the reasons for the denial and the
11 right to request a hearing. Hearings must be conducted in
12 conformity with Title 5, chapter 375, subchapter IV to the extent
13 applicable.

14 13. Issue licenses. The board shall issue licenses as
15 necessary to implement this chapter. A license and a wallet-size
16 verification of the license must be issued to a person licensed
17 and receiving a renewal under this chapter. Both the license and
18 wallet-size verification must indicate the expiration date of the
19 license.

20 14. Specialty licenses. The board shall receive and act on
21 petitions to establish and issue specialty licenses. If, upon
22 petition, the board decides to issue specialty licenses under
23 this chapter, it shall adopt rules establishing the requirements
24 applicants must meet to obtain such licenses.

25 15. Client bill of rights. The board shall specify the
26 information that interpreters or transliterators shall include in
27 a client bill of rights that must be provided to clients by
28 interpreters or transliterators.

29 16. Board restrictions. The powers of the board may not
30 include establishing fee scales or schedules and the board may
31 not make rulings that conflict with established standards set by
32 a nationally recognized certification or licensing system.

33 **§1525. Licensing**

34 The board shall issue a license to a person who has
35 successfully complied with the application process established by
36 the board, paid the required fee established by the board under
37 section 1528, and met the qualifications for licensure as set
38 forth in section 1527.

39 A license issued under this chapter entitles the holder to
40 practice or to assist in the practice of American Sign
41 Language-based, English-based or intermediary interpreting.

42 **§1526. Reciprocal agreements**

2 The board may enter into reciprocal agreements with any
3 state, agency or organization outside the State that licenses,
4 certifies or registers professional interpreters or
5 transliterators if the board finds that the state, agency or
6 organization has substantially the same requirements as or higher
7 requirements than this State for that licensure, certification or
8 registration. For the purposes of this chapter, a certified
9 interpreter is considered eligible for a license, provided that a
10 national organization that registers interpreters for the deaf
11 continues to maintain a testing system that is considered by the
12 board at least as stringent as the licensure requirements
13 established under section 1527 and the applicant complies with
14 the application process established under section 1524,
15 subsection 8. In addition, the applicant must pay all fees as
16 established by the board.

17 The fee for reciprocal licenses must be determined by the
18 board and commensurate with the reduced paperwork required for
19 issuance of such licenses.

20 **§1527. Requirements for licensure**

21 To be eligible for licensure under this chapter, an
22 applicant must be at least 18 years of age and meet the following
23 qualifications:

24 1. General licensure. Issuance of a general license
25 requires the following:

26 A. The applicant must have at least 3 years of documented
27 paid interpreting or transliteration experience during the 5
28 years preceding the date of application for licensure, with
29 a minimum of 300 hours in each of the 3 years. The board
30 may consider that this work experience includes American
31 Sign Language instruction, deaf advocacy and employment at
32 educational or residential settings working with deaf
33 consumers. Proof of paid experience must be determined by
34 the board based on documentation presented by the applicant;

35 B. The applicant must have at least 15 continuing education
36 units awarded by an organization approved by the board or
37 college credit documenting at least 150 contact hours in
38 interpreter education; and

39 C. Five years after the effective date of this chapter,
40 interpreters not previously licensed under this chapter
41 applying for new licensure must possess an associates degree
42 or higher in interpreter education or the equivalent as
43 approved by the board.

2 2. Generalist interpreter. The board shall issue a
3 generalist license to practice as an interpreter or
4 transliterator to an applicant who:

5 A. Has a minimum fluency in American Sign Language and
6 visual and gestural communication skills;

7 B. Has at least 15 continuing education units awarded by an
8 organization approved by the board or college credit
9 documenting at least 150 contact hours in interpreter
10 education; and

11 C. Has at least 40 hours of mentoring with a deaf or
12 hearing interpreter licensed under this chapter. These
13 hours may include observation.

14 3. Specialty license; educational; provisional. The board
15 shall issue an educational specialty license to practice as an
16 interpreter or transliterator to an applicant if:

17 A. The applicant has a current generalist license granted
18 under this chapter;

19 B. The applicant has certification from a national
20 organization that registers interpreters for the deaf; and

21 C. In addition to the training required for the generalist
22 license, the applicant has successfully completed a minimum
23 of 90 additional hours, 9 continuing education units or
24 approved training in educational interpreting or equivalent
25 course work approved by the board.

26 For a period of 5 years from the effective date of this chapter,
27 an educational interpreter may be provisionally licensed to work
28 with school-aged children if the individual is supervised at
29 least once per month by an interpreter who is licensed under this
30 chapter and is registered by a national organization that
31 registers interpreters as having a certificate of interpretation,
32 certificate of transliteration, comprehensive skills certificate,
33 certificate of deaf interpretation or reverse skills
34 certificate. In addition, the educational interpreter applying
35 for provisional licensure must be in the process of completing
36 course work leading to interpreting licensure. The board will
37 make the final determination as to eligibility for provisional
38 licensure for educational settings.

39 4. Specialty license; legal. The board shall issue a
40 legal specialty license to practice as an interpreter or
41 transliterator to an applicant if:

2 A. The applicant has a generalist license granted under
4 this chapter. In addition, the applicant must also have
6 full certification awarded by a national organization that
8 registers interpreters as having a certificate of
10 interpretation, certificate of transliteration,
12 comprehensive skills certificate, certificate of deaf
14 interpretation or reverse skills certificate. A conditional
16 legal interpreting permit is preferable, and interpreters
18 working in the courts must be working toward achieving that
20 certification within 5 years of the effective date of this
22 chapter. By the year 2005, all interpreters applying for a
24 legal specialty license must possess legal certification
26 from a national organization that registers interpreters; and

16 B. The applicant has participated in additional training
18 geared toward legal interpreting. This training must
20 include the successful completion of a 3-week minimum
22 intensive training that follows a curriculum approved by a
24 national organization that registers interpreters plus a
26 supervised practicum. Applicants must obtain this training
28 by January 1, 2000. Interpreters certified by a national
30 organization that registers interpreters who have previously
32 completed legal training and are currently approved to be
34 working in the court system must successfully complete legal
36 training and a practicum approved by a national organization
38 that registers interpreters by January 1, 2000.

28 5. Special purpose license; provisional. The board shall
30 issue a provisional license to practice as an interpreter or
32 transliterator to:

32 A. A student enrolled in an approved interpreter education
34 program, carrying out activities that are part of an
36 approved course of study. These activities must be
38 supervised by a person holding a current generalist
40 license. A student interpreting for the public shall
42 clearly indicate student status and the profession in which
44 training is being received;

40 B. A person who has completed an approved interpreter
42 education program or is in the process of fulfilling the
44 requirements of an individualized training program and who
46 is under the supervision of an interpreter who currently
48 holds the generalist license; or

46 C. A deaf or hard-of-hearing individual who is fluent in
48 American Sign Language, visual and gestural communication
50 and English and who is in the process of fulfilling the
 requirements of an individualized training plan, consisting
 of at least 40 hours of observation and practice, under the

2 supervision of an interpreter mentor holding a current
generalist license.

4 6. Special purpose license; temporary. The board shall
6 issue a temporary license to practice as an interpreter or
transliterator to:

8 A. A person not a resident of this State who is temporarily
10 employed in this State to render interpreting or
12 transliteration services. Persons granted a temporary
14 license may petition the board to extend the length of their
temporary license. The decision to grant or deny the
petition is at the discretion of the board; or

16 B. A person moving residence to this State from a location
18 that does not have a reciprocal agreement with board. That
20 person must apply to the board for approval of that person's
educational credentials and show evidence satisfactory to
the board that that person's qualifications meet the
required standards.

22 7. Paid interpreting or transliterating experience. The
24 board may consider giving credit for documented involvement in
26 established organizations whose members are primarily deaf and
28 hard-of-hearing and professional interpreting organizations as
satisfying the requirements of subsection 1, paragraph A and
subsection 2, paragraph B.

30 §1528. Fees

32 1. Amount. The board may establish fees in amounts that
34 are reasonable and necessary for their respective purposes.

36 2. Types of fees to be charged. The board may establish
38 fees for the following purposes:

40 A. Application for licensure;

42 B. Awarding of initial licensure;

44 C. Renewal of license;

46 D. Awarding of specialty licenses;

48 E. Late fees;

50 F. Provisional and temporary special purpose licenses; and

G. Granting of reciprocal licenses.

2
3 **§1529. Terms of licenses**

4 **1. Biennial renewal.** Licenses expire biennially on
5 December 31st or on such other date as the commissioner
6 determines. Notice of expiration must be mailed to each
7 licensee's last known address at least 30 days in advance of the
8 expiration of the license. The notice must include any requests
9 for information necessary for renewal. Licenses may be renewed
10 up to 90 days after the date of expiration upon payment of a late
11 fee, established by the board, in addition to the renewal fee. A
12 person who submits an application for renewal more than 90 days
13 after the license renewal date is subject to all requirements
14 governing new applicants under this chapter, except that the
15 board may, giving due consideration to the protection of the
16 public, waive examination if that renewal examination is made
17 within 2 years from the date of that expiration.

18 **§1530. License maintenance**

19 **1. Continuing education.** The board, by rule, may establish
20 requirements for the continuing education units that a person
21 licensed under this chapter must complete in order to be eligible
22 to renew that license. The board shall adopt rules regarding the
23 method of awarding credit for these units toward completion of a
24 licensee's requirements. Rules adopted pursuant to this
25 subsection are routine technical rules as defined by Title 5,
26 chapter 375, subchapter II-A.

27 **2. Exception.** A person awarded licensure through a
28 reciprocal agreement with a national organization that registers
29 interpreters and by virtue of possessing certification from a
30 national organization that registers interpreters is exempt from
31 the requirement of additional continuing education units.

32 **§1531. Privileged communication**

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

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41 **SUMMARY**

42
43 This bill establishes the Board of Licensure of American
44 Sign Language, English Interpreting and Transliterating
45 Professionals.

46
47 To qualify for general licensure, a person must have at
48 least 3 years of documented paid interpreting or transliteration
49 experience with a minimum of 300 hours per year during the 5
50 years preceding the date of application and have at least 15

2 continuing education units approved by the board or college
credit in interpreter education.

4 Five years after the effective date of this chapter, for
6 interpreters not previously licensed under this chapter, the
requirement for licensure will be a minimum of an associates
8 degree in interpreter education or the equivalent approved by the
board.

10 The biennial licensing fee is determined by the board.

12 Any joint standing committee of the Legislature that
14 recommends to the Legislature the regulation of an occupational
profession not previously regulated must include an evaluation of
16 the need for regulation pursuant to the Maine Revised Statutes,
Title 5, section 12015, subsection 3.