

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2478

S.P. 948

In Senate, January 12, 2000

An Act to License Cued Speech Transliterators for the Deaf and Hard-of-hearing.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 KONTOS of Cumberland.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 32 MRSA c. 22-A is enacted to read:**

6 **CHAPTER 22-A**

8 **CUED SPEECH TRANSLITERATORS**

10 **§1535. Definitions**

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. **Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.

16 2. **Cued speech.** "Cued speech" is a visual communication system that, in English, uses 8 handshapes in 4 locations, known as cues, in combination with the natural mouth movements of speech to represent all the sounds of a spoken language.

18 3. **Cued speech transliterator.** "Cued speech transliterator" means a person who acts as an intermediary between a person who is deaf or hard-of-hearing and another person and who represents any auditory communication as a visual form using cued speech.

20 4. **Department.** "Department" means the Department of Professional and Financial Regulation.

22 5. **National Cued Speech Association.** "National Cued Speech Association" means the recognized national association that establishes standards for cued speech transliterators or its successor organization with the same mission and goals.

24 6. **Person who is deaf.** "Person who is deaf" means a person whose sense of hearing is nonfunctional for the purposes of expressive and receptive communication and whose primary means of communication is speech, speechreading, vibrotactile or sign language.

26 7. **Person who is hard-of-hearing.** "Person who is hard-of-hearing" means a person who has a mild to severe hearing loss, who may or may not primarily use visual communication and who may or may not use assistive listening devices.

28 8. **Transliterating.** "Transliterating" means the process that includes using cued speech to facilitate expressive and receptive communication between a person who is deaf or hard-of-hearing and a hearing person who is using spoken English

2 or another spoken language. This process includes conveying
3 auditory environmental stimuli.

4 **§1536. Commissioner; powers and duties**

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

8
9 1. Rules. The commissioner may adopt rules in accordance
10 with the Maine Administrative Procedure Act necessary to carry
11 out the purposes of this chapter. Rules adopted under this
12 chapter are routine technical rules pursuant to Title 5, chapter
13 375, subchapter II-A.

14
15 2. Licensure. The commissioner shall license a person who
16 has successfully complied with the application process
17 established by the department, paid the required fees established
18 by the department under section 1542 or 1543 and met the
19 qualifications for licensure as set forth in section 1538 or
20 1539. The commissioner shall make available, at cost, a
21 directory that contains the names of all individuals licensed
22 pursuant to this chapter.

23
24 3. Employees. The commissioner may appoint, subject to the
25 Civil Service Law, employees necessary to carry out the purposes
26 of this chapter. Those employees are department employees.

27
28 4. Advisory council. The commissioner, as necessary, may
29 select transliterators and other interested parties to serve on
30 an advisory council to advise and consult with the commissioner
31 concerning the regulation of transliterators. Service on the
32 council is not in itself a conflict of interest regardless of the
33 occupations or associations of the members.

34 **§1537. Privileged communication**

35
36 Individuals licensed under this chapter are included under
37 the evidentiary communications privilege set out in Title 5,
38 section 48, subsection 4.

39
40 **§1538. Requirements for licensure; limited cued speech**
41 **transliterator**

42
43 To be eligible for licensure as a limited cued speech
44 transliterator under this chapter, an applicant must be at least
45 18 years of age and must provide:

46
47 1. High school diploma. Proof of a high school diploma or
48 the equivalent;

49
50

2 2. Sworn statement. A sworn, signed statement that the
3 applicant has read, understands and agrees to abide by the Code
4 of Ethics of the Registry of Interpreters for the Deaf, Inc. or a
5 comparable or successor organization recognized by the
6 commissioner;

7 3. Proof of education and training in cued speech. Written
8 proof of the applicant's education and training in cued speech,
9 consisting of either:

10 A. Proof of completion of at least 45 clock hours of
11 instruction in cued speech in which the instruction was
12 conducted by:

13 (1) An instructor certified by the National Cued
14 Speech Association or certifying bodies that are
15 recognized by the National Cued Speech Association; or

16 (2) A cued speech transliterator certified by the
17 National Cued Speech Association; or

18 B. A passing score accepted by the National Cued Speech
19 Association as a prerequisite for certification programs on
20 the Basic Cued Speech Proficiency Rating or a comparable
21 test recognized by the commissioner; and

22 4. Proof of education and training in the interpreting
23 process. Written proof of completion of at least 45 clock hours
24 of instruction in the interpreting process, which must include
25 instruction in deafness, the ethics of interpreting and deaf
26 culture, conducted through an accredited college, accredited
27 university or accredited or approved high school or conducted by
28 certification maintenance course sponsors approved by the
29 National Cued Speech Association, or NCSA, or certifying bodies
30 that are recognized by the NCSA, the Registry of Interpreters for
31 the Deaf, Inc., the National Association of the Deaf, Inc. or a
32 comparable or successor organization recognized by the
33 commissioner. Credit may not be given for interpreting
34 instruction completed prior to 5 years from the date of
35 application.

36 **§1539. Requirements for licensure; certified cued speech**
37 **transliterator**

38 To be eligible for licensure as a certified cued speech
39 transliterator under this chapter, an applicant must be at least
40 18 years of age and must provide:

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

2 2. Sworn statement. A sworn, signed statement that the
3 applicant has read, understands and agrees to abide by the Code
4 of Ethics of the Registry of Interpreters for the Deaf, Inc., or
5 a comparable or successor organization recognized by the
6 commissioner; and

8 3. Proof of certification. Documented proof of
9 certification by the National Cued Speech Association, or NCSA,
10 or certifying bodies that are recognized by the NCSA, documented
11 proof of a minimum certification level of 4 from the National
12 Association of the Deaf, Inc. or documented proof of comparable
13 certification by a comparable or successor organization
14 recognized by the commissioner.

16 **§1540. License required**

18 After December 31, 2000, a person may not provide
19 transliterating services as defined in this chapter for
20 compensation or remuneration unless properly licensed in
21 accordance with this chapter.

22 **§1541. Exemptions to licensure**

24 1. Nonresident transliterators. This chapter does not
25 apply to transliterators who are residents of a jurisdiction
26 other than this State and who do not transliterate for
27 compensation or remuneration in the State for more than 160 hours
28 per year. Service during declared state or national emergencies
29 does not count toward the 160-hour limitation.

32 2. Medical emergencies. This chapter does not apply to a
33 person providing communication assistance during a medical
34 emergency. For purposes of this chapter, a "medical emergency"
35 means a situation in which a person's medical condition could be
36 significantly compromised by delaying assessment and treatment.

38 **§1542. Applications for licensure; fees**

40 An applicant for initial licensure under this chapter shall
41 submit a written application with supporting documents to the
42 department on forms provided by the department. The applicant
43 shall pay a nonrefundable application fee established by the
44 department in an amount not to exceed \$50 and an initial license
45 fee not to exceed \$200.

46 **§1543. Renewal**

48 All licenses issued under this chapter must be renewed
49 annually on or before June 30th of each year or at such other
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2 time as the commissioner may designate. The annual license
3 renewal fee must be established by the department by rule and may
4 not exceed \$200. The commissioner shall notify each licensee, at
5 the licensee's last known address, 30 days in advance of the
6 expiration of the license. Renewal notices must be on forms
7 provided by the department. A license not renewed by June 30th
8 automatically expires. The department may renew an expired
9 license if the renewal application is returned within 90 days
10 after the license expiration date and upon payment of a late fee
11 of \$10 in addition to the renewal fee. A person who submits an
12 application for renewal more than 90 days after the license
13 expiration date is subject to all requirements governing new
14 applicants under this chapter.

15 **§1544. Continuing education**

16
17 **1. Limited cued speech transliterators.** An applicant for
18 renewal of a limited cued speech transliterator license is
19 required to show proof of completion of at least 15 clock hours
20 annually of continuing education in cued speech or the
21 interpreting process.

22
23 **2. Certified cued speech transliterators.** An applicant for
24 renewal of a certified cued speech transliterator license is
25 required to show proof of 6 clock hours of continuing education
26 and proof of continued certification by either the National Cued
27 Speech Association or a comparable or successor organization
28 recognized by the commissioner.

29 **§1545. Violations**

30
31 A person who violates section 1540 is guilty of a Class E
32 crime. The State may bring an action in Superior Court to enjoin
33 any person from violating this chapter regardless of whether
34 procedures have been instituted in the Administrative Court or
35 whether criminal proceedings have been introduced.

36 **§1546. Revocation and reissuance**

37
38 The department may suspend or revoke licensure pursuant to
39 Title 5, section 10004. In addition, the department may refuse
40 to issue or renew a license pursuant to Title 10, section 8003 or
41 the Administrative Court may revoke, suspend or refuse to renew
42 the license of an interpreter for:

43
44 **1. Fraud.** The practice of fraud in obtaining a license
45 under this chapter;

46
47 **2. Incompetency.** A court finding of mental incompetency;

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49
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2 3. Criminal conviction. Conviction of a crime, subject to
3 the limitations of Title 5, chapter 341, that if committed in the
4 State is punishable by one year or more of imprisonment;

5 4. Violation. Violation of this chapter or any rule
6 adopted by the department; or

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

9 **§1547. Disclosure**

10
11 A transliterator licensed pursuant to this chapter shall
12 disclose that person's license category, training and experience
13 to consumers and to a person engaging the transliterator's
14 services. The department shall develop the content and form of
15 the disclosure pursuant to the Maine Administrative Procedure
16 Act. Rules adopted pursuant to this section are routine
17 technical rules pursuant to Title 5, chapter 375, subchapter II-A.

18 **§1548. Conversion of registrants to limited licenses**

19
20 On December 31, 2000, transliterators who have registered
21 with the department pursuant to chapter 22 and who do not possess
22 the educational and training requirements set forth in section
23 1538 or 1539 are eligible for the limited cued speech
24 transliterator license. Those who obtain limited licensure
25 status pursuant to this section must comply with all other
26 licensure requirements and must complete the education and
27 training requirements set forth in section 1538 or 1539 within 3
28 years of obtaining a limited license or be subject to nonrenewal.

29 **Sec. 2. Department of Professional and Financial Regulation;**
30 **report.** The Department of Professional and Financial Regulation
31 shall report to the joint standing committee of the Legislature
32 having jurisdiction over professional regulatory matters by
33 February 15, 2003. The report must be developed by the
34 Commissioner of Professional and Financial Regulation in
35 consultation with the advisory council, created pursuant to the
36 Maine Revised Statutes, Title 32, section 1536, subsection 4, and
37 must include, but is not limited to, a review of the adequacy of
38 licensure standards set forth in the Maine Revised Statutes,
39 Title 32, chapter 22-A, and an assessment of the continued
40 efficacy of an exemption from licensure for nonresident cued
41 speech transliterators. The report may include suggested
42 legislation based on the recommendations of the department. The
43 joint standing committee of the Legislature having jurisdiction
44 over professional regulatory matters may submit legislation based
45 on the recommendations of the report.

