

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

F. Each investment received by a business from a private venture capital fund must be expended on plant maintenance and construction, equipment, research and development or working capital for the business or on such other business activity as may be approved by the authority.

G. The authority shall establish limits on repayment of the investment by an individual in and the investments made by a private venture capital fund. The investments must be at risk in the private venture capital fund and the business, respectively.

H. The investors qualifying for the credit must collectively own less than 1/2 of the private venture capital fund and less than 1/2 of any business in which an investment is made by the private venture capital fund.

Sec. 4. 10 MRSA §1100-T, sub-§4, as amended by PL 1991, c. 854, Pt. A, §11, is further amended to read:

4. Total of credits authorized. The authority may issue tax credit certificates to investors eligible pursuant to subsection 2 in an aggregate amount not to exceed \$2,000,000 up to and including calendar year 1996, \$3,000,000 up to and including calendar year 1997, \$4,000,000 up to and including calendar year 1998, \$5,000,000 up to and including calendar year 1999, \$6,000,000 up to and including calendar year 2000, and not to exceed \$7,000,000 thereafter. In addition, the authority may issue tax credit certificates to investors eligible pursuant to subsection 2-A in an aggregate amount not to exceed \$1,000,000.

See title page for effective date.

CHAPTER 425

H.P. 602 - L.D. 812

An Act to Amend the Laws Specifying the Place of Imprisonment

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

Sec. 1. 17-A MRSA §1203, sub-§1, ¶C, as enacted by PL 1989, c. 925, §10, is repealed.

Sec. 2. 17-A MRSA §1252, sub-§1, ¶C, as enacted by PL 1989, c. 925, §11, is repealed.

See title page for effective date.

CHAPTER 426

H.P. 465 - L.D. 631

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

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

Sec. 1. 5 MRSA §48, as amended by PL 1993, c. 708, Pt. J, §1, is further amended to read:

§48. Interpreter service for the deaf and hard of hearing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms ~~shall~~ have the following meanings.

A. "Compensation" means the fee for an interpreter's time of service as provided by an appointed qualified interpreter.

A-1. "Client" means a person who is deaf, hard of 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.

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

C. "Directory" means a listing of all qualified interpreters in the State.

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

E. "Interpreting agency" means an agency whose function is to provide qualified interpreter services for a fee, including travel expenses.

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.

F. "Proof of deafness or being hard of hearing impairment" means reasonable proof ~~which that~~ a state agency or county may require a person requesting the appointment of a qualified interpreter or a qualified person to furnish when it has reason to believe that the person is not deaf or hard of hearing impaired.

G. "Qualified interpreter" means a person with who has the knowledge and demonstrated understanding of the code of ethics ~~of as written by~~ the National Registry of Interpreters for the Deaf, Inc., who is able to ~~recognize the comprehension level of a deaf or hearing impaired person and is able to communicate effectively in a mode of communication used by the deaf or hearing impaired person and to interpret accurately the statements of the deaf or hearing impaired person accurately interpret, both receptively and expressively, in American Sign Language and English and who is able to communicate effectively with the parties involved.~~

H. "Agency" means any authority, board, bureau, commission, department or officer of State Government, or of any county, municipality, school district or any other political or administrative subdivision.

I. "Travel expenses" means actual expense for transportation reimbursable at the usual state mileage rate, tolls, parking fees or other fees specified in an agreement between an interpreter or an interpreter agency and an agency or court retaining the services of the interpreter at a specific date, time and place.

2. Interpreter services required. A qualified interpreter ~~shall be~~ is appointed as follows.

A. Whenever any personal or property interest of a deaf or ~~hearing-impaired~~ hard-of-hearing person is the subject of a proceeding before any agency or court, the presiding officer of the proceeding shall, in consultation with the deaf or ~~hearing-impaired~~ hard-of-hearing person, appoint a qualified interpreter.

B. In appointing a qualified interpreter, the presiding officer shall give first consideration to persons who are certified by the ~~National~~ Registry of Interpreters for the Deaf, Inc.

C. The presiding officer may require proof of deafness or being hard of hearing impairment prior to appointing a qualified interpreter.

D. The interpreter ~~shall~~ must be appointed after consultation with the deaf or ~~hearing-impaired~~ hard-of-hearing person. If the appointed qualified interpreter does not meet the needs of the deaf or ~~hearing-impaired~~ hard-of-hearing person, the presiding officer shall, with the consent of the deaf or ~~hearing-impaired~~ hard-of-hearing person, appoint another qualified interpreter.

3. Interpreting services and coordination for interpreters; request to the Office of Rehabilitation Services; interpreter compensation; continuation of services. Interpreting services and coordination for interpreters are governed as follows.

A. With the cooperation of the Maine Association of the Deaf and the ~~National~~ Registry of Interpreters for the Deaf, Inc., the Office of Rehabilitation Services is authorized and directed to prepare and continually update a listing of qualified and available interpreters.

B. When requested by an agency or court, the Office of Rehabilitation Services shall furnish the agency or court with a directory of information on appropriate and qualified interpreter sources.

C. An interpreter appointed under this section must be reimbursed by the Office of Rehabilitation Services, upon certification by the appropriate agency or court of services performed, at a fixed rate reflecting the current fee schedule as established by the Office of Rehabilitation Services, plus travel expenses; except that employees of the State or any of its political subdivisions, public employees and public or private school, university and college teachers or administrators for interpreting services or anyone who receives salary during regular work hours may not be reimbursed under this section for interpreter services performed during their regular working hours. Nothing in this section prevents any agency or court from employing a qualified interpreter on a full-time basis or under contract at a mutually agreed upon compensation rate.

D. It is the sole responsibility of the Director of the Office of Rehabilitation Services to ensure implementation and continuation of the provisions of this section.

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.

Sec. 2. Report from Legislative Council and state accessibility office. The Executive Director of the Legislative Council, on behalf of the Legislature, and the state accessibility office within the Department of Education, Office of Rehabilitation Services, on behalf of the Executive Department, shall submit reports to the Joint Standing Committee on Judiciary and the Joint Standing Committee on State and Local Government by March 1, 1996. The reports must address the use of closed captioning and large-area listening systems in all facilities used for public meetings and public legislative functions, the provision of portable assistive listening systems and full audio wiring of all legislative hearing rooms and the provision of interpreting services for legislative business. The reports must include plans to achieve compliance with all requirements of state and federal law regarding the deaf and hard of hearing. The reports must include a schedule for achieving compliance and a listing of all tasks, services and costs involved and any necessary legislation.

See title page for effective date.

CHAPTER 427

H.P. 658 - L.D. 881

An Act to Amend the Education Funding Formula

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

Sec. 1. 20-A MRSA §6303 is enacted to read:

§6303. Medicaid for health and human services

A school administrative unit may receive funds from the Medicaid program pursuant to the United States Social Security Act, 42 United States Code, for the provision of preventive health, health, habilitation, rehabilitation and social services to eligible students in accordance with section 15613, subsection 16.

Sec. 2. 20-A MRSA §15613, sub-§16 is enacted to read:

16. Medicaid. The state share of the foundation allocation may not be adjusted for a school administrative unit that receives Medicaid funds for the provision of preventive health, health, habilitation, rehabilitation and social services to eligible students pursuant to the United States Social Security Act, 42 United States Code and section 6303.

See title page for effective date.

CHAPTER 428

H.P. 139 - L.D. 187

An Act to Create a Separate License Plate for Sheriffs

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

Sec. 1. 29-A MRSA §517, sub-§7 is enacted to read:

7. County sheriff vehicles. A vehicle owned by a county and used by a full-time law enforcement department may be issued special registration plates at the request of the chief law enforcement official of the county. The Secretary of State, in consultation with the Maine Sheriffs' Association, shall design county law enforcement registration plates. A county sheriff requesting special plates shall reimburse the Highway Fund the cost associated with the production and issuance of the plates.

Sec. 2. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1995-96

**SECRETARY OF STATE,
DEPARTMENT OF THE**

**Administration - Motor
Vehicles**

All Other	\$2,790
-----------	---------

Provides funds for the manufacturing of a special sheriff registration plate.

See title page for effective date.

CHAPTER 429

H.P. 900 - L.D. 1276

An Act to Identify for Sentencing Purposes Certain Factors That Aid in Predicting High-risk Sex Offenders

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

Sec. 1. 17-A MRSA §253, sub-§6, as enacted by PL 1993, c. 432, §1, is amended to read: