

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

report out legislation to the First Regular Session of the 119th Legislature regarding buffer strips along water resources and substandard subsurface disposal systems.

**Sec. 6. Report; erosion control.** By January 15, 2004, the Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding compliance with the Maine Revised Statutes, Title 38, section 420-C. The report must evaluate past and projected compliance with the erosion control laws and may include recommendations regarding staffing requirements necessary to ensure compliance with section 420-C.

The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the Second Regular Session of the 121st Legislature regarding compliance with the erosion control laws.

**Sec. 7. Report; shoreland zoning.** By January 15, 2003, the Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding compliance with the Maine Revised Statutes, Title 38, section 439-A, subsection 4-A. The report must evaluate use of and compliance with the alternative expansion provisions of that subsection and evaluate the environmental benefit of the provisions in comparison with the measures permissible under Title 38, section 439-A, subsection 4.

See title page for effective date.

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## CHAPTER 749

S.P. 481 - L.D. 1483

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

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

**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.

**Sec. 3. 32 MRSA c. 22** is enacted to read:

## CHAPTER 22

### AMERICAN SIGN LANGUAGE, ENGLISH INTERPRETERS AND TRANSLITERATORS

#### §1521. Definitions

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

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

**2. Deaf person.** "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary means of communication is visual.

**3. Department.** "Department" means the Department of Professional and Financial Regulation.

**4. Hard-of-hearing person.** "Hard-of-hearing person" means a person who has a functional hearing deficit, who may or may not primarily use visual communication and who may or may not use assistive devices.

**5. Interpreting.** "Interpreting" means the process of providing accessible communication between and among persons who are deaf, hard-of-hearing and can hear, and who do not share a common means of communication. This process includes, without limitation, interpreting and transliterating and visual-gestural, auditory and tactile communication.

**6. Interpreter or transliterator.** "Interpreter or transliterator" means a person who provides any of the following services:

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

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

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

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

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

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

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

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

#### **§1523. Privileged communication**

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

#### **§1524. Requirements for registration**

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

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

2. References. Letters of reference from 3 persons for whom the applicant has worked on a compensated basis as an interpreter. Two of the references must be persons who are deaf or hard-of-hearing and one of the references must be a person 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 application is returned within 90 days after the registration expiration date and upon payment of a late fee of \$10 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the registration expiration date is

subject to all requirements governing new applicants under this chapter.

### **§1529. Violations**

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

### **§1530. Revocation and reissuance**

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

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

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

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

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

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

### **Sec. 4. Technical review committee.**

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

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

See title page for effective date.

**CHAPTER 750**

**H.P. 1527 - L.D. 2149**

**An Act to Implement the  
Recommendations of the Working  
Group on Motor Vehicle Fines,  
Enforcement and Reimbursement  
and to Change Certain Provisions of  
the Tax Relief Funds**

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

**PART A**

**Sec. A-1. 4 MRSA §173, sub-§4,** as amended by PL 1993, c. 675, Pt. B, §9, is repealed.

**Sec. A-2. 4 MRSA §173, sub-§§4-A and 4-B** are enacted to read:

**4-A. Law enforcement officer services, reimbursement and compensation.** The court shall reimburse or compensate municipalities and counties for law enforcement officer services as follows.

A. The court shall reimburse the municipality or county that employs the law enforcement officer a flat fee of \$25 for each day or part of a day that a law enforcement officer is physically present for a scheduled trial in District Court, whether or not the officer is called upon to give testimony.

B. The court shall pay a municipality or county a flat fee of \$25 for each day or part of a day that a municipal or county law enforcement officer, designated by the municipality or county as its court officer, is physically present in a District Court in order to adequately handle that municipality's or county's case load.

The court officer required to be present at an arraignment may be an officer other than the arresting officer if the municipality or county has designated the officer to handle the arraignment case load of that municipality or county. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments.

C. The sheriffs of the several counties shall designate and furnish deputy sheriffs to serve as bailiffs in each division of the District Court within their counties if requested by the Chief Judge. A deputy sheriff designated as bailiff must be approved by the Chief Judge and may not serve as a court officer for any law enforcement agency. Compensation for reasonable and necessary expenses, as agreed to by the parties, must be paid by the District Court.

In a municipality where a police officer has been furnished to serve as a bailiff, the Chief Judge may continue to authorize the use of a police officer as a bailiff and the District Court shall compensate the municipality. A person appointed to serve as bailiff may not serve as court officer for a municipal police department as provided in this subsection.