

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

by March 1, 2000 the generation assets to which the extension applies.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings to modify its major substantive rule in accordance with this section, and such modifications do not require review or approval of the Legislature prior to becoming effective.

See title page for effective date, unless otherwise indicated.

CHAPTER 399

S.P. 833 - L.D. 2233

An Act to License 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, as enacted by PL 1997, c. 749, §1, is amended 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 licensure requirements provided under Title 32, chapter 22.

Sec. 2. 10 MRSA §8001, sub-§38, as amended by PL 1997, c. 727, Pt. C, §1 and c. 749, §2, 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 licensure 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 §1521, sub-§1-A is enacted to read:

1-A. Deaf interpreter. "Deaf interpreter" means a person whose sense of hearing is nonfunctional for the purpose of communication, whose primary means of communication is visual or tactile and who provides intermediary interpreting.

Sec. 4. 32 MRSA §1521, sub-§2, as enacted by PL 1997, c. 749, §3, is amended to read:

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 or tactile.

Sec. 5. 32 MRSA §1521, sub-§5, as enacted by PL 1997, c. 749, §3, is amended to read:

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 when a linguistic intermediary between a deaf or hard-of-hearing person and another person translates the spoken utterances or signs, gestures or writing of either person into a linguistic form other than that which that person uses as a primary and preferred form of communication. For the purposes of this chapter, "interpreting" or "transliterating" does not mean communication using cued speech.

Sec. 6. 32 MRSA §1521, sub-§6, ¶C, as enacted by PL 1997, c. 749, §3, is amended to read:

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

Sec. 7. 32 MRSA §1522, sub-§2, as enacted by PL 1997, c. 749, §3, is amended to read:

2. Licensure. The commissioner shall ~~register~~ license 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 licensure~~ registration licensure as set forth in section 1524. The commissioner shall make available, at cost, a directory that contains the names of all individuals ~~registered licensed~~ registered licensed pursuant to this chapter.

Sec. 8. 32 MRSA §1522, sub-§4 is enacted to read:

4. Advisory council. The commissioner, as necessary, may select members of the interpreting profession and other interested parties to serve on an advisory council to advise and consult with the commissioner concerning the regulation of interpreters for the deaf and hard-of-hearing. Service on the council is not in itself a conflict of interest regardless of the occupations or associations of the members.

Sec. 9. 32 MRSA §1523, as enacted by PL 1997, c. 749, §3, is amended to read:

§1523. Privileged communication

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

Sec. 10. 32 MRSA §1524, as enacted by PL 1997, c. 749, §3, is amended to read:

§1524. Requirements for licensure; limited interpreter and limited transliterator

To be eligible for ~~registration~~ licensure as a limited interpreter or limited transliterator 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., or a comparable or successor organization recognized by the commissioner; and

4. Proof of education and training in American Sign Language. ~~A written summary~~ Written proof 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, training in American Sign Language, consisting of either:

A. Proof of completion of at least 100 clock hours of instruction in American Sign Language conducted by:

(1) An instructor recognized by the American Sign Language Teachers Association, or a comparable or successor organization recognized by the commissioner;

(2) An interpreter certified by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or

(3) An instructor of courses conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or

B. Submission of a letter attesting that the applicant's skill level is equivalent to a person who has completed 100 hours of instruction in American Sign Language. The letter must be prepared and signed by:

(1) An instructor recognized by the American Sign Language Teachers Association, or a comparable or successor organization recognized by the commissioner;

(2) An interpreter certified by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or

(3) An instructor of courses conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; and

5. Proof of education and training in the interpreting process. Written proof of completion of at least 100 clock hours of instruction in the interpreting process, which must include instruction in deaf culture and the ethics of interpreting, conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner. Credit may not be given for interpreting process clock hours that were completed prior to 5 years from the date of application.

Sec. 11. 32 MRSA §§1524-A and 1524-B are enacted to read:

§1524-A. Requirements for licensure; limited deaf interpreter

To be eligible for licensure as a limited deaf interpreter 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. 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., or a comparable or successor organization recognized by the commissioner;

3. Proof of education and training in American Sign Language. Written proof of the applicant's education and training in American Sign Language, consisting of a letter attesting that the applicant's skill level is equivalent to a person who has completed 100 hours of instruction in American Sign Language. The letter must be prepared and signed by:

A. An instructor recognized by the American Sign Language Teachers Association, or a comparable or successor organization recognized by the commissioner;

B. An interpreter certified by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; or

C. An instructor of courses conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner; and

4. Proof of education and training in the interpreting process. Written proof of completion of at least 100 clock hours of instruction in the interpreting process, which must include instruction in deaf culture and the ethics of interpreting, conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner. Credit may not be given for interpreting process clock hours that were completed prior to 5 years from the date of application.

§1524-B. Requirements for licensure; certified interpreter, certified deaf interpreter and certified transliterator

To be eligible for licensure as a certified interpreter, certified deaf interpreter or certified transliterator 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. 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. or comparable certification by a comparable or successor organization recognized by the commissioner; and

3. Proof of certification. Documented proof of certification by the Registry of Interpreters for the Deaf, Inc., documented proof of a minimum certification level of 4 from the National Association of the Deaf, Inc. or comparable certification by a comparable or successor organization recognized by the commissioner.

Sec. 12. 32 MRSA §1525, as enacted by PL 1997, c. 749, §3, is amended to read:

§1525. License required

After ~~January 1, 1999~~ June 30, 2000, a person may not provide interpreting services as defined in this chapter for compensation or remuneration unless properly ~~registered~~ licensed in accordance with this chapter.

Sec. 13. 32 MRSA §1525-A is enacted to read:

§1525-A. Exemptions to licensure

1. Nonresident interpreters. This chapter does not apply to interpreters who are residents of a jurisdiction other than this State and who do not interpret for compensation or remuneration in the State for more than 160 hours per year. Service during declared state or national emergencies does not count toward the 160 hours per year limitation.

2. Medical emergencies. This chapter does not apply to a person providing communication assistance during a medical emergency. For purposes of this subsection, "medical emergency" is when a person's medical condition could be significantly compromised by delaying assessment and treatment.

Sec. 14. 32 MRSA §§1527 and 1528, as enacted by PL 1997, c. 749, §3, are amended to read:

§1527. Applications for licensure; fees

An applicant for initial or temporary registration licensure, pursuant to section 1524, 1524-A or 1524-B, 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 license fee not to exceed \$100 \$300.

§1528. Renewal

All registrations except temporary registrations licenses must be renewed annually on or before ~~March 31st~~ June 30th of each year or at such other time as the commissioner may designate. The annual registration license renewal fee must be established by the department by rulemaking and may not exceed \$100 \$300. The commissioner shall notify each registrant licensee, at the registrant's licensee's last known address, 30 days in advance of the expiration of the registration license. Renewal notices must be on forms provided by the department. A registration license not renewed by ~~March 31st~~ June 30th automatically expires. The department may renew an expired registration license if the renewal application is returned within 90 days after the registration license 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 license expiration date is subject to all requirements governing new applicants under this chapter.

Sec. 15. 32 MRSA §1528-A is enacted to read:

§1528-A. Continuing education

1. Limited interpreters. An application for renewal of a limited interpreter, limited transliterator or limited deaf interpreter license must show proof of completion of at least 15 hours annually of continuing education in American Sign Language or the interpreting process. This subsection does not apply to interpreters, transliterators and deaf interpreters who obtain limited licensure status pursuant to section 1532 and who have not completed the educational and training requirements set forth in section 1524, subsection 4 or section 1524-A, subsection 3.

2. Certified interpreters. An applicant for renewal of a certified interpreter, certified deaf interpreter or certified transliterator license is not required to show proof of continuing education, but is required to show proof of continued certification by either the Registry of Interpreters for the Deaf, Inc. or the National Association of the Deaf, Inc., or a comparable or successor organization of either recognized by the commissioner.

Sec. 16. 32 MRSA §1530, first ¶, as corrected by RR 1997, c. 2, §54, is amended to read:

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

Sec. 17. 32 MRSA §§1531 and 1532 are enacted to read:

§1531. Disclosure

All interpreters licensed pursuant to this chapter shall disclose their license category, training and experience to consumers and to the person or persons engaging the interpreter's services. The content and form of the disclosure must be developed by the department pursuant to rule-making provisions of the Maine Administrative Procedure Act. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

§1532. Conversion of registrants to limited licensees

As of June 30, 2000, interpreters, deaf interpreters and transliterators who have registered with the department pursuant to Public Law 1997, chapter 749 and who do not possess the educational and training requirements set forth in section 1524, subsection 4 or section 1524-A, subsection 3 are eligible for the limited interpreter, limited transliterator or limited deaf interpreter license. Interpreters, deaf interpreters and transliterators who obtain limited licensure status pursuant to this section shall comply with all other licensure requirements and must complete the education and training requirements set forth in section 1524, subsection 4 or 1524-A, subsection 3 within 3 years of obtaining a limited license or be subject to nonrenewal.

Sec. 18. Department of Professional and Financial Regulation; report. The Department of Professional and Financial Regulation shall report to the joint standing committee of the Legislature having jurisdiction over business matters by February 15, 2003. The report must be developed by the Commissioner of Professional and Financial Regulation in consultation with the advisory council and must include, but is not limited to, a review of the adequacy of licensure standards set forth in the Maine Revised Statutes, Title 32, chapter 22 and an assessment of the continued efficacy of an exemption from licensure for nonresident interpreters. The report may include legislation based on the recommendations of the department. The joint standing committee of the Legislature having jurisdiction over business matters

may submit legislation based on the recommendations of the report.

Sec. 19. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Office of Licensing and Registration

All Other	\$6,000
Provides funds for contracted services and operating costs required to administer the licensure of interpreters for the deaf and hard-of-hearing.	

Sec. 20. Effective date. This Act takes effect June 30, 2000.

Effective June 30, 2000.

CHAPTER 400

H.P. 1590 - L.D. 2235

An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife Regarding Surface Use on Great Ponds

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the ability of municipalities to control surface use of waters within the municipality is an essential part of the current law; and

Whereas, the Second Special Session of the 118th Legislature enacted a provision in Public Law 1997, chapter 739, An Act to Implement the Recommendations of the Great Pond Task Force, to allow municipalities to submit recommendations regulating the use, operation and type of watercraft on great ponds in the jurisdiction of the municipality; and

Whereas, this legislation needs to be enacted prior to the beginning of the summer; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §7801, sub-§35 is enacted to read:

35. Illegally operating personal watercraft in prohibited area. A person is guilty of operating a personal watercraft in a prohibited area if that person:

A. Operates a personal watercraft on Mud Pond, Oversett Pond, South Pond, Round Pond, Twitchell Pond, Hicks Pond or Furlong Pond in the Town of Greenwood in Oxford County;

B. Operates a personal watercraft on North Pond or Bryant Pond, also known as Christopher Lake, in the Town of Greenwood and the Town of Woodstock in Oxford County;

C. Operates a personal watercraft on Concord Pond, Little Concord Pond or Shagg Pond in the Town of Woodstock in Oxford County;

D. Operates a personal watercraft on Hamilton Pond in Bar Harbor in Hancock County; or

E. Operates a personal watercraft on Bog Lake or Horseshoe Lake in the Town of Northfield in Washington County.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 3, 1999.