

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

Sec. 1. 32 MRSA §13858, sub-§3, as amended by PL 2003, c. 542, §2, is further amended to read:

3. Licensed marriage and family therapist. To be qualified as a licensed marriage and family therapist, an applicant must demonstrate to the satisfaction of the board adherence to the ethics of the counseling profession, successfully complete the examination prescribed by the board and have:

A. A master's degree or a doctoral degree in marriage and family therapy or its equivalent from an accredited institution or a program approved by the board. Such schooling must include a minimum core curriculum to include a one-year clinical practicum and total credit hours adopted by the board; and

B. Two years of experience after obtainment of a master's degree or a doctoral degree comprised of at least 1,000 hours of direct clinical contact with couples and families and 200 hours of supervision, at least 100 of which must be individual supervision.

Notwithstanding the requirements for conditional licensure in section 13851, subsection 4, the board may grant a temporary conditional license for a period not to exceed 6 months to an applicant who meets the requirements of this subsection except for the successful completion of the examination prescribed by the board. In addition, the applicant must be employed at an agency under clinical supervision and must apply for and successfully complete the examination within this 6-month period. If the applicant fails the examination, the applicant is prohibited from using any clinical experience gained during the 6-month period that the applicant held the temporary conditional license to qualify for licensure.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates one-time funds for the costs associated with establishing a new license category in the agency's licensing system.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$2,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,500	\$0

Licensing and Enforcement 0352

Initiative: Allocates one-time funding for the costs associated with rulemaking.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$1,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,500	\$0
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$4,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$4,000	\$0

See title page for effective date.

CHAPTER 173

S.P. 403 - L.D. 1085

An Act Concerning Dispute Resolution in Home Construction Contracts

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

Sec. 1. 10 MRSA §1487, sub-§8, as enacted by PL 1987, c. 574, is amended to read:

8. Resolution of disputes. A statement allowing the parties the option to adopt one of 3 methods of resolving contract disputes in addition to the option of a small claims action. At a minimum, this statement must provide the following information:

"If a dispute arises concerning the provisions of this contract or the performance by the parties that may not be resolved through a small claims action, then the parties agree to settle this dispute by jointly paying for one of the following (check only one):

- (1) Binding arbitration ~~as regulated by~~ under the Maine Uniform Arbitration Act, ~~with in~~ which the parties ~~agreeing~~ agree to accept as final the arbitrator's decision ();
- (2) Nonbinding arbitration, with the parties free to ~~not accept~~ reject the arbitrator's decision

and to seek ~~satisfaction~~ a solution through other means, including a lawsuit (); or

(3) Mediation, ~~with in which the parties agreeing to enter into good faith negotiations~~ negotiate through a neutral mediator in ~~order to attempt an effort~~ in order to attempt an effort to resolve their differences in advance of filing a lawsuit ();

See title page for effective date.

CHAPTER 174

H.P. 599 - L.D. 868

**An Act To Rename the
Division of Deafness within the
Department of Labor**

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

Sec. 1. 5 MRSA §48-A, as enacted by PL 2003, c. 685, §2, is amended to read:

**§48-A. Communication services for deaf persons,
hard-of-hearing persons and late-deafened
persons in court and other legal settings**

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

- A. "Advocate" means a person who is not a lawyer and who provides to the public advice or other substantive legal work that is not prohibited by law or regulation.
- B. "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.
- C. "Bureau" means the Department of Labor, Bureau of Rehabilitation Services.
- D. "CART" means computer-assisted real-time transcription using specialized equipment to transcribe real time word-for-word spoken English into written English that can be viewed on a computer screen or projected onto a large screen.
- E. "CART provider" means a person who provides CART.
- F. "Client" means a deaf person, a hard-of-hearing person, a late-deafened person or a hearing person who is provided interpreting services by a privileged interpreter.
- G. "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.

H. "Deaf interpreter" means a deaf person ~~or~~ or hard-of-hearing person or late-deafened person with native or near-native fluency in American Sign Language who has training in interpreting and training or experience in the use of gesture, mime, props, drawings and other tools to enhance communication for deaf persons with minimal language skills.

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

J. "Hard-of-hearing person" means a person who has a hearing loss resulting in a functional loss, but not to the extent that the person must depend primarily upon visual communication.

K. "Interpreting organization" means an organization whose function is to provide qualified legal interpreter services for a fee.

K-1. "Late deafened" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that the individual must depend primarily upon visual communication. The loss of the sense of hearing for a late-deafened individual occurs after the development of speech and language.

L. "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.

M. "Qualified legal interpreter" means a person who is licensed under Title 32, chapter 22 as a certified interpreter, certified deaf interpreter or certified transliterator and who:

- (1) Is a hearing person who:
 - (a) Holds a current Specialist Certificate: Legal from the Registry of Interpreters for the Deaf, Inc. or its successor;
 - (b) Satisfies the eligibility criteria for taking the exam for the specialist certificate described in division (a) as long as, by January 1, 2012, that person obtains the specialist certificate described in division (a); or
 - (c) Is included on the bureau's list of qualified interpreters on the effective date of this section, as long as that person, by January 1, 2006, meets the eligibility criteria for taking the exam for the specialist certificate described in division (a) and, by January 1, 2012, obtains the