

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

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

Effective June 13, 2019.

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**CHAPTER 284**

**H.P. 1246 - L.D. 1751**

**An Act To Amend and Clarify  
the Laws Concerning  
American Sign Language  
Interpreters**

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

**Sec. 1. 5 MRSA §48-A, sub-§1, ¶M,** as amended by PL 2017, c. 223, §2, is further amended to read:

M. "Qualified legal interpreter" means a person who is licensed under Title 32, chapter 22 as a certified interpreter, ~~or 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);
  - (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 specialist certificate described in division (a); or
  - (d) Possesses qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court; or
- (2) Is a deaf interpreter who holds a current Certificate of Interpretation from the Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor. Beginning January 1, 2006, a deaf person, hard-of-hearing person or late-deafened person must also satisfy the eligibil-

ity criteria for taking the exam for the Specialist Certificate: Legal or its successor.

**Sec. 2. 29-A MRSA §1358, sub-§1, ¶E,** as reallocated by RR 2005, c. 1, §13, is amended to read:

E. "Licensed interpreter" means a person who provides sign language interpreting services and is licensed under Title 32, ~~section 1524 or section 1524-B or 1524-C.~~

**Sec. 3. 32 MRSA §1521, sub-§1,** as enacted by PL 1997, c. 749, §3, is repealed.

**Sec. 4. 32 MRSA §1521, sub-§§1-B to 1-D** are enacted to read:

**1-B. Accredited.** "Accredited" means an educational institution that is approved by the United States Department of Education or a regional or national accrediting agency recognized by the United States Department of Education.

**1-C. American Sign Language proficiency interview.** "American Sign Language proficiency interview" means a holistic language evaluation that is used to determine global American Sign Language proficiency and that is administered by an educational testing service organization and evaluated by an American Sign Language evaluation service organization recognized by the director.

**1-D. Conditional license.** "Conditional license" means a license granted to an applicant who has completed the educational requirements under section 1524-C, passed a national interpreter certification knowledge exam and passed an American Sign Language proficiency interview but who is not certified with the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director.

**Sec. 5. 32 MRSA §1521, sub-§3-A** is enacted to read:

**3-A. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

**Sec. 6. 32 MRSA §1521, sub-§6,** as amended by PL 1999, c. 399, §6 and §20, is further amended to read:

**6. Interpreter.** "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 interpreter to facilitate communication between another deaf person and another licensed interpreter or between 2 or more deaf persons.

**Sec. 7. 32 MRSA §1521, sub-§7** is enacted to read:

**7. National interpreter certification knowledge exam.** "National interpreter certification knowledge exam" means an entry-level exam administered by the Registry of Interpreters for the Deaf, Inc., or a comparable or successor organization recognized by the director, that tests for knowledge appropriate to an interpreter holding national certification and covers the Registry of Interpreters for the Deaf, Inc. Code of Professional Conduct, interpreting issues and theory, culture and American Sign Language linguistics.

**Sec. 8. 32 MRSA §1522**, as amended by PL 2007, c. 402, Pt. K, §1, is further amended to read:

**§1522. Director; powers and duties**

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

**1. Rules.** The ~~commissioner~~ may ~~may~~ director shall establish guidelines and adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out the purposes of this chapter necessary for the proper administration and enforcement of this chapter. Rules adopted under this chapter subsection are routine technical rules pursuant to Title 5, section 8071 as defined in Title 5, chapter 375, subchapter 2-A.

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

**4. Advisory council.** The ~~commissioner~~ director, 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~~ director 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 §1524**, as amended by PL 2007, c. 402, Pt. K, §2, is repealed.

**Sec. 10. 32 MRSA §1524-A**, as amended by PL 2007, c. 402, Pt. K, §§3 and 4, is repealed.

**Sec. 11. 32 MRSA §1524-B**, as amended by PL 2009, c. 112, Pt. A, §§6 and 7, is further amended to read:

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

To be eligible for licensure as a certified interpreter; ~~or 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~~; and

**3. Proof of certification.** Documented proof of valid 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~~ director that is current at the time of application.

**Sec. 12. 32 MRSA §1524-C** is enacted to read:

**§1524-C. Requirements for licensure; conditional interpreter and conditional deaf interpreter**

No more than one conditional license may be issued to a person who has completed the education requirements of this chapter. A conditional license may be held no more than 4 years, except that a 5th year may be granted by the director upon demonstration of extreme hardship.

To be eligible for licensure as a conditional interpreter or conditional deaf interpreter under this chapter, an applicant must be at least 18 years of age and must provide the following:

**1. Proof of proficiency in American Sign Language.** Documented proof of a score of 3.5 or higher on an American Sign Language proficiency interview; and

**2. Proof of education and training in the interpreting process.** Documented proof of the following:

**A.** An associate degree or higher in American Sign Language, American Sign Language interpreting or deaf studies from an accredited college or university;

**B.** For persons holding a limited license that is current on the effective date of this section, an alternative pathway approved by the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director;

**C.** A passing score on a national interpreter certification knowledge exam; or

D. A passing score on a certified deaf interpreter knowledge exam administered by an organization that assesses language interpretation recognized by the director.

**Sec. 13. 32 MRSA §1525**, as amended by PL 1999, c. 399, §12 and affected by §20, is further amended to read:

**§1525. License required**

After June 30, 2000, a  $\Delta$  person may not provide interpreting services as defined in this chapter for compensation or remuneration unless properly licensed in accordance with this chapter. This section also applies to a person providing video-based interpreting services in which one or more participants are physically located in the State and the person providing the services does not meet the exemptions as set out under section 1525-A.

**Sec. 14. 32 MRSA §1525-A, sub-§1**, as enacted by PL 1999, c. 399, §13 and affected by §20, is amended to read:

**1. Nonresident interpreters.** This chapter does not apply to certified 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~~ 60 hours per year. Service during declared state or national emergencies does not count toward the ~~160~~ 60 hours per year limitation.

**Sec. 15. 32 MRSA §1527**, as amended by PL 2007, c. 402, Pt. K, §6 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

**§1527. Fees**

~~The Director of the Office of Professional and Occupational Regulation within the department director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that an application a fee for any one purpose may not exceed \$50, an initial license fee may not exceed \$325 and an applicant who is deaf must pay an initial license fee of \$100. An applicant for initial licensure, pursuant to section 1524, 1524-A or 1524-B, shall submit a written application with supporting documents to the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**Sec. 16. 32 MRSA §1528**, as amended by PL 2007, c. 402, Pt. K, §7, is further amended to read:

**§1528. Renewal**

All licenses must be renewed annually on or before June 30th of each year or at such other time as the ~~commissioner~~ director may designate. A license not renewed by June 30th automatically expires. ~~The department may renew an expired license if the renewal application is returned within~~ A license may be re-

newed up to 90 days after the license expiration date and upon payment of a late fee as set under section 1527 in addition to the renewal fee as set under section 1527. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter.

**Sec. 17. 32 MRSA §1528-A**, as amended by PL 2005, c. 267, §4, is further amended to read:

**§1528-A. Continuing education**

Renewal of a license under this chapter is contingent upon evidence of participation in continuing education as determined by the director. A licensee shall certify at time of renewal compliance with the continuing education requirements under this section.

**1. Limited interpreters.** ~~An application for renewal of a  $\Delta$  holder of a limited interpreter, limited transliterator licensed under former section 1524 or limited deaf interpreter license under former section 1524-A must show proof of completion of complete~~ at least 20 hours annually of continuing education in American Sign Language or the interpreting process.

**2. Certified interpreters.** ~~An applicant for renewal of a  $\Delta$  certified interpreter, or certified deaf interpreter or certified transliterator license is not required to show proof of continuing education, but is required to show proof of maintain continued certification by either with 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~~ director.

**3. Conditional interpreters.** A conditional interpreter or conditional deaf interpreter must complete at least 20 hours annually of continuing education in American Sign Language or the interpreting process.

**Sec. 18. 32 MRSA §1531**, as amended by PL 2005, c. 267, §5, is repealed.

**Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 22, in the chapter headnote, the words "American sign language, English interpreters and transliterators" are amended to read "American sign language interpreters" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 20. Discontinuance of initial licensure; renewal of existing license.** A new limited interpreter license may not be issued by the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation on or after the effective date of this Act. The holder of an existing limited interpreter license under the Maine Revised Statutes, Title 32, former section 1524 or a limited deaf interpreter license under Title 32, former section 1524-A may renew that

license in the manner set forth in the Maine Revised Statutes, Title 32, chapter 22. A limited interpreter license expires in the manner set forth in section 1528.

See title page for effective date.

**CHAPTER 285**

**H.P. 1249 - L.D. 1754**

**An Act To Amend the Geologist and Soil Scientist Licensing Laws**

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

**Sec. 1. 5 MRSA §12004-A, sub-§19**, as amended by PL 1999, c. 687, Pt. B, §1, is further amended to read:

**19.**

State Board of <del>Certi-</del> <del>fication</del> <u>Licensure</u> for Geologists and Soil Scientists	\$35/Day	32 MRSA §4907
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**Sec. 2. 10 MRSA §8001, sub-§38, ¶O**, as enacted by PL 1995, c. 397, §11, is amended to read:

O. State Board of ~~Certification~~ Licensure for Geologists and Soil Scientists;

**Sec. 3. 12 MRSA §549-B, sub-§7, ¶A**, as enacted by PL 1985, c. 201, §2, is amended to read:

A. Any person with a valid recorded exploration claim in accordance with this subchapter may make application for a mining lease to the director of the agency having jurisdiction over the state lands on which the mining lease is sought. The application ~~shall~~ must be accompanied by a report from a certified or licensed geologist or mining engineer containing all information of a geologic, engineering and operational nature ~~which that~~ is required by the director of the survey or the director of the agency having jurisdiction over the state lands on which the mining lease is sought to properly evaluate the application and an accurate survey of the property boundaries certified by a registered surveyor and evidence of ability to finance the proposed mining operations.

**Sec. 4. 32 MRSA §4901**, as enacted by PL 1973, c. 558, §1, is amended to read:

**§4901. Title**

This chapter may be cited as the "Geologists and Soil Scientists ~~Certification~~ Licensing Act."

**Sec. 5. 32 MRSA §4902**, as amended by PL 2007, c. 402, Pt. S, §1, is further amended to read:

**§4902. Definitions**

As used in this chapter, unless a different meaning clearly appears from the context, the following words ~~shall~~ have the following meanings.

**1. Board.** "Board" ~~shall mean~~ means the State Board of ~~Certification~~ Licensure for Geologists and Soil Scientists.

**1-A. Approved.** "Approved" means approved by the board.

**2. Licensed geologist.** "~~Certified~~ Licensed geologist" means a person entitled under this chapter to take and use the title "licensed geologist."

**3. Licensed soil scientist.** "~~Certified~~ Licensed soil scientist" means a person entitled under this chapter to take and use the title "licensed soil scientist."

**4. Geologist.** "Geologist" means a person engaged in the practice of geology.

**5. Geology.** "Geology" means ~~that the~~ the science ~~which that~~ treats of the earth as a whole; the investigation of its composition, its size, shape and relationships between consolidated and unconsolidated rock units in the regolith and bedrock; and the applied aspects of utilizing knowledge of the earth and its constituents; including its consolidated and unconsolidated rock units, its minerals, liquids, gases and other materials for the benefit of ~~mankind~~ humankind.

**6. Pedology.** "~~Pedology~~" ~~shall mean that aspect of soil science which involves, among others, the nature, properties, formation, classification, functioning behavior and response to use and management of soils; it shall include the mapping and identification of soils, and the interpretation of soil properties. Pedology centers on soils as the biochemically weathered part of the earth's crust, the collection of natural bodies on the earth's surface, supporting plants, with a lower limit at the deeper of either the unconsolidated mineral or organic material lying within the zone of rooting of the native perennial plants; or where horizons impervious to roots have developed the upper few feet of the earth's crust having properties differing from the underlying rock material as a result of interactions between climate, living organisms, parent material and relief.~~

**7. Practice of geology.** "Practice of geology" means the performance of geological work or service for the public, including, but not limited to, consultation, investigation, surveys, evaluation, planning, mapping or inspection of geological work, wherein the performance is related to the public welfare or the safeguarding of life, health, property and the environment.

**8. Practice of soil science.** "Practice of soil science" ~~shall be held to mean~~ means any professional service ~~which that~~ requires the application of ~~pedolog-~~