

MAINE STATE LEGISLATURE

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ACS

L.D. 1819

DATE: 2.24.04

(Filing No. S-396)

UTILITIES AND ENERGY

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STATE OF MAINE SENATE 121ST LEGISLATURE SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 667, L.D. 1819, Bill, "An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"

Amend the bill in Part A by striking out all of sections 3 to 5 and inserting in their place the following:

'Sec. A-3. 26 MRSA §1419-A, as amended by PL 1999, c. 227, §§1 and 2, is further amended to read:

§1419-A. Specialized customer communications equipment for persons with disabilities

1. --- Money --- for --- specialized --- customer --- telecommunications equipment. --- The --- Bureau --- of --- Rehabilitation --- Services --- within --- the department, --- pursuant --- to --- appropriation --- of --- money --- to --- the --- bureau --- for specialized --- customer --- telecommunications --- equipment --- for --- deaf, hard --- of --- hearing --- and --- speech --- impaired --- persons --- and --- persons --- with disabilities, --- shall, --- upon --- request, --- provide --- up --- to --- 50% --- of --- the --- cost of --- specialized --- customer --- telecommunications --- equipment --- to --- an organisation --- or --- municipality --- that --- makes --- available --- the --- remaining funds --- for --- this --- equipment --- in --- a --- manner --- satisfactory --- to --- the --- Director of --- the --- Bureau --- of --- Rehabilitation --- Services.

2. Communications Equipment Fund. There is established the Telecommunications Communications Equipment Fund to be used by the Division of Deafness within the Bureau of Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the universal

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2 service fund pursuant to Title 35-A, section 7104. The Division
of Deafness may accept gifts or grants, including, but not
3 limited to, federal grants, for the purposes of this section.
4 These Funds transferred from the universal service fund pursuant
to Title 35-A, section 7104 and all gifts and grants and
5 authorized appropriations must be deposited in the
6 Telecommunications Communications Equipment Fund and disbursed in
7 accordance with this section. The Telecommunications
8 Communications Equipment Fund may be used for purchase, lease,
9 distribution, upgrading, installation, maintenance and repair of
10 specialized customer telecommunications communications equipment
11 for deaf, hard-of-hearing or speech-impaired persons and persons
12 with disabilities and for training in the use of such equipment.
13 The Division of Deafness may draw on the Telecommunications
14 Communications Equipment Fund in accordance with the
15 telecommunications communications equipment plan required under
subsection 3.

18

19 **3. Communications equipment plan.** The Division of Deafness
20 shall develop a plan to make specialized customer
21 telecommunications communications equipment available to deaf,
22 hard-of-hearing or speech-impaired persons and persons with
23 disabilities and to distribute money from the Telecommunications
24 Communications Equipment Fund. The plan must be developed by the
25 Division of Deafness annually, not later than January 1st, in
26 accordance with the rule-making procedures in Title 5, chapter
27 375. The plan must provide for the expenditure of money from the
28 Telecommunications Communications Equipment Fund for the benefit
29 of deaf, hard-of-hearing or speech-impaired persons and persons
30 with disabilities for the purchase, lease, distribution,
31 upgrading, installation, maintenance and repair of specialized
32 customer telecommunications communications equipment capable of
33 serving their needs and may provide for expenditures for training
34 in the use of such equipment. Persons who are profoundly deaf or
35 speech-impaired speech-impaired or who have a disability so that
36 they are unable to use the telephone for expressive or receptive
37 communications, as verified by a written report from an
38 otologist, an audiologist or a physician, are eligible for
39 assistance from the Telecommunications Communications Equipment
40 Fund. The plan must ensure that persons with disabilities have
41 access to appropriate specialized customer telecommunications
42 communications equipment to meet their individual needs. The
43 plan must include specific criteria that govern the priorities
44 assigned to various persons who need this equipment. The
45 criteria must take into account household income, degree of
46 impairment, need for emergency communications, living
47 arrangements and other factors determined relevant by the
48 Division of Deafness. In developing the criteria, the Division
of Deafness shall consult with the advisory council established
49 in section 1413-C and other advisory councils representing the
50 interests of persons with disabilities.

2 **4. Specialized customer communications equipment needs in**
3 **the public school system.** The Department of Education, in
4 consultation with the Governor Baxter School for the Deaf and
5 advocacy groups for deaf and hard-of-hearing persons and for the
6 information technology interests of consumers, shall conduct an
7 annual survey of all public schools in the State for the purpose
8 of assessing the need for specialized customer ~~telecommunications~~
9 communications equipment in the school system and report its
10 findings to the joint standing committee of the Legislature
11 having jurisdiction over labor matters. The report must include:
12 the number of deaf and hard-of-hearing students and their needs
13 for specialized customer ~~telecommunications~~ communications
14 equipment; the availability of specialized customer
15 ~~telecommunications~~ communications equipment; the number of
16 requests for specialized customer ~~telecommunications~~
17 communications equipment; and the status of training for teachers
18 and other school personnel in the use of specialized customer
19 ~~telecommunications~~ communications equipment.

20 ~~**5. Assessment on telecommunications carriers.**~~ ~~The Bureau of~~
21 ~~Rehabilitation Services, beginning in fiscal year 1999-2000,~~
22 ~~shall assess annually telecommunications carriers in accordance~~
23 ~~with this subsection and deposit the funds collected in the~~
24 ~~Telecommunications Equipment Fund. The bureau shall assess~~
25 ~~telecommunications carriers in accordance with a schedule~~
26 ~~established by the Public Utilities Commission in accordance with~~
27 ~~this subsection.~~

28 ~~A. The Public Utilities Commission shall determine which~~
29 ~~carriers are to be assessed under this subsection based on~~
30 ~~an evaluation of the extent of business activity undertaken~~
31 ~~by carriers in the State and the practicalities of making~~
32 ~~the assessment. The Public Utilities Commission shall~~
33 ~~include as many carriers as reasonably practicable in order~~
34 ~~to ensure a fair and broad allocation of the assessment.~~

35 ~~B. The Public Utilities Commission shall establish an~~
36 ~~assessment schedule that is proportional to the gross annual~~
37 ~~revenues of the carriers identified for assessment and that~~
38 ~~will generate an annual aggregate of \$85,000.~~

39 ~~C. A telecommunications carrier doing business in this~~
40 ~~State, including a provider of interstate services and a~~
41 ~~provider of wireless services, shall provide to the Public~~
42 ~~Utilities Commission, on request, records relating to its~~
43 ~~gross revenues. At the request of a carrier, the Public~~
44 ~~Utilities Commission may issue a protective order in~~
45 ~~accordance with the Maine Rules of Civil Procedure, Rule 26~~
46 ~~(e) to protect any confidential business information~~

2 ~~provided by the carrier. Records placed under protective~~
3 ~~order by the Public Utilities Commission to this paragraph~~
4 ~~are within the scope of a privilege against discovery within~~
5 ~~the meaning of Title 1, section 402, subsection 3, paragraph~~
6 ~~B and are not public records while under the protective~~
7 ~~order.~~

8 **Sec. A-4. 35-A MRSA §7104, sub-§5** is enacted to read:

10 **5. Funds for Communication Equipment Fund.** The commission
11 shall annually transfer \$85,000 from a state universal service
12 fund established pursuant to this section to the Communications
13 Equipment Fund established under Title 26, section 1419-A. In
14 addition to its authority under subsection 3, the commission may
15 require contributions to the state universal service fund in an
16 amount sufficient to collect the \$85,000.

18 If the Department of Labor, Bureau of Rehabilitation Services
19 does not receive from federal or other sources funds in addition
20 to the \$85,000 sufficient to carry out the purposes of Title 26,
21 section 1419-A, the commission, at the request of the Department
22 of Labor, Bureau of Rehabilitation Services, may transfer from
23 the state universal service fund to the Communications Equipment
24 Fund additional amounts as long as:

26 A. The total transfer in any year does not exceed \$122,500;
27 and

28 B. Any amount in any year in excess of \$85,000 is drawn from
29 funds otherwise available in the universal service fund.
30 The commission is not authorized to require contributions to
31 the state universal service fund for the purposes of this
32 subsection in order to collect any amount in excess of
33 \$85,000 in any year.

36 **Sec. A-5. Application for funds; report.** The Department of
37 Labor, Bureau of Rehabilitation Services shall apply for federal
38 homeland security funds administered by the Department of
39 Defense, Veterans and Emergency Management, Maine Emergency
40 Management Agency to support the purposes of the Communications
41 Equipment Fund and this Act. The Maine Emergency Management
42 Agency and the Department of Labor, Bureau of Rehabilitation
43 Services shall provide a report to the joint standing committee
44 of the Legislature having jurisdiction over utilities and energy
45 matters by January 1, 2005 detailing the amount of homeland
46 security funding that has been provided for these purposes and
47 for supporting access to emergency alert and news services for
48 persons who are blind.

2 **Sec. A-6. Appropriations and allocations.** The following
appropriations and allocations are made.

4 **LABOR, DEPARTMENT OF**

6 **Communications Equipment Fund 0799**

8 Initiative: Provides funds to establish a base allocation in the
event federal grant funds are secured to provide emergency alert
10 notification equipment and other services for deaf and
hard-of-hearing persons.

12	Federal Expenditures Fund	2003-04	2004-05
14	All Other	\$0	\$500
16	Federal Expenditures Fund Total	<u> \$0</u>	<u> \$500'</u>

18 Further amend the bill by striking out all of Part B.

20 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
22 consecutively.

24

SUMMARY

26

28 This amendment, which is the majority report of the Joint
Standing Committee on Utilities and Energy, does the following.

30 1. It transfers the funding source for the Communications
Equipment Fund from an assessment made by the Department of
32 Labor, Bureau of Rehabilitation Services to a universal service
fund administered by the Public Utilities Commission.

34

36 2. It preserves the current \$85,000 annual total
collections from telecommunications service providers to support
the Communications Equipment Fund but permits the commission to
38 transfer amounts otherwise available in the universal service
fund to the Communications Equipment Fund, up to a total of
40 \$122,500 in any year, if the Communications Equipment Fund fails
to receive adequate funding from federal or other sources to
42 carry out its purposes.

44 3. It removes from the bill Part B, which creates a tax
exemption for sponsorship of closed captioning.

46

48 4. It requires the Department of Labor, Bureau of
Rehabilitation Services to apply for grants of federal homeland
security funds administered by the Department of Defense,
50 Veterans and Emergency Management, Maine Emergency Management

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2 Agency to support the purposes of the Communications Equipment Fund.

4 5. It requires the Maine Emergency Management Agency to
6 provide a report to the joint standing committee of the
8 Legislature having jurisdiction over utilities and energy matters
10 by January 1, 2005 detailing the amount of homeland security
12 funding that has been provided to support the purposes of the
14 Communications Equipment Fund and access to emergency alert and
16 news services for persons with disabilities, including persons
who are blind.

6. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1819

**An Act to Implement the Recommendations of the Study Group To
Examine an Emergency Alert Notification System for Deaf and Hard-of-
hearing Individuals**

LR 2656(02)

**Fiscal Note for Bill as Amended by Committee Amendment *A*
Committee: Utilities and Energy**

Fiscal Note Required: Yes

Majority Report

Fiscal Note

Undetermined current biennium revenue increase - Federal Expenditures Fund
Minor cost increase - General Fund

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Federal Expenditures Fund	\$0	\$500	\$500	\$500
Transfers				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

This bill authorizes the transfer of \$85,000 annually from the universal service fund administered by the Public Utilities Commission to the Communications Equipment Fund within the Department of Labor's Bureau of Rehabilitation Services, Division of Deafness. The transfer may be increased to \$122,500 in any year that the \$85,000 is not sufficient and other funds are not received from other sources to carry out the purposes of the fund. In addition, this bill also requires the Bureau of Rehabilitation Services to apply for federal homeland security funds. Applying for federal homeland security funds may result in an increase in the amount of funds available in the Communications Equipment Fund to be used to provide emergency alert notification equipment and other services for deaf and hard-of-hearing persons. The amount of federal funds can not be determined at this time. This bill includes a Federal Expenditures Fund allocation of \$500 in fiscal year 2004-05 to establish a base allocation of funds in the event that federal grants are awarded.