

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1710, L.D. 2361, Bill, "An Act to Establish a System to Provide Continuous Telecommunications Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons Who Must Rely on Teletypewriter Equipment for Telecommunications"

Amend the bill by striking out the title and inserting a new title to read:

'An Act to Establish Guidelines and an Advisory Council for Continuous Telecommunications Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons Who Must Rely on Special Telecommunications Equipment for Telecommunications'

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 3 MRSA §927, sub-§7, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

- (1) Maine Sardine Council;
- (2) Atlantic Sea Run Salmon Commission;
- (3) Public Utilities Commission;
- (4) Atlantic States Marine Fisheries Commission;
- (5) Maine Development Foundation;
- (6) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;
- (7) Lobster Advisory Council;
- (8) Board of Environmental Protection; and

- 2 (9) Board of Underground Oil Storage Tank Installers;
and
4
6 (10) Telecommunications Relay Services Advisory
Council.

8 Sec. 2. 5 MRSA §12004-I, sub-§74-A-1 is enacted to read:

10	<u>74-A-1.</u>	<u>Telecom-</u>	<u>Not</u>	<u>35-A</u>
	<u>Public Utilities</u>	<u>munica-</u>	<u>Authorized</u>	<u>MRSA</u>
12		<u>tions</u>		<u>§8704</u>
14		<u>Relay</u>		
		<u>Services</u>		
16		<u>Advisory</u>		
		<u>Council</u>		

18 Sec. 3. 22 MRSA §3601, sub-§1, as amended by PL 1981, c. 584,
§4, is repealed.

20 Sec. 4. 22 MRSA §3601, sub-§1-A is enacted to read:

22 1-A. Definitions. As used in this chapter, unless the
24 context otherwise indicates, the following terms have the
26 following meanings.

28 A. "Department" means the Department of Human Services.

30 B. "Deaf person" means a person whose sense of hearing is
nonfunctional for the purpose of ordinary communication.

32 C. "Hearing impaired person" means a person whose sense of
34 hearing is defective, but still functional, with or without
amplification.

36 D. "Speech impaired person" means a person whose speech is
38 nonfunctional or defective for the purpose of ordinary
communication.

40 E. "TDD system" means the network of telecommunications
42 devices for the deaf used for telephone communications to or
by deaf, hearing impaired or speech impaired persons.

44 F. "Telecommunications device for the deaf" or "TDD" means
46 a teletypewriter or other telecommunication equipment used
by deaf, hearing impaired or speech impaired people to
48 conduct telephone communications.

50 G. "Telecommunications relay service" means a service
transmitting messages and information between a person using
standard telephone equipment for spoken communications and a

2 deaf, hearing impaired or speech impaired person using a
3 telecommunications device for the deaf.

4 **Sec. 5. 22 MRSA §3601, sub-§2**, as enacted by PL 1979, c. 546,
5 §1, is amended to read:

6 **2. Telecommunications relay services.** The Department of
7 Human Services shall administer a statewide program--to--provide
8 telephone telecommunications relay services for deaf and, hearing
9 impaired or speech impaired persons who must rely on
10 teletypewriter--equipment a TDD for telephone--communications
11 telecommunications. The program relay services shall, to the
12 extent possible, provide for 24-hour emergency relay services.
13 The department shall terminate the services provided by this
14 subsection when the same or similar services are available
15 through telecommunications relay services established pursuant to
16 Title 35-A, chapter 87.

17 **Sec. 6. 22 MRSA §3602**, as enacted by PL 1987, c. 141, Pt. A,
18 §1, is amended to read:

19 **§3602. Telecommunication equipment for the deaf, hearing**
20 **impaired and speech impaired**

21 **1. Money for telecommunication equipment.** The Bureau of
22 Rehabilitation within the Department of Human Services, pursuant
23 to any appropriation of money to the bureau for special
24 telecommunication typewriters equipment for the deaf, hearing
25 impaired and speech impaired, shall, upon request, provide up to
26 50% of the cost of special telecommunication typewriters
27 equipment to any organization or municipality that makes
28 available the remaining funds for this equipment in a manner
29 satisfactory to the Director of the Bureau of Rehabilitation.

30 **2. Telecommunications Equipment Fund.** A Telecommunications
31 Equipment Fund is established. The Division of Deafness in the
32 Bureau of Rehabilitation may accept any gifts or grants for the
33 purposes of this section. These, and any authorized
34 appropriations shall, must be deposited in the fund, and
35 disbursed in accordance with this section. The fund may be used
36 for purchase, lease, upgrading, installation, maintenance and
37 repair of special telecommunications equipment for the deaf,
38 hearing impaired or speech impaired. The Division of Deafness
39 under the Bureau of Rehabilitation may draw on the fund in
40 accordance with the Telecommunications Equipment Plan required
41 under subsection 3.

42 **3. Telecommunications equipment plan.** The Division of
43 Deafness shall develop a plan to make special telecommunications
44 equipment available to deaf, hearing impaired and or speech
45 impaired persons and to distribute money from the
46 Telecommunications Equipment Fund. The plan shall must be

developed by the Division of Deafness annually, not later than January 1st, in accordance with the rule-making procedures in Title 5, chapter 375. The plan shall ~~must~~ provide for the expenditure of money from the fund for the benefit of deaf, hearing impaired and ~~or~~ speech impaired persons for the purchase, lease, upgrading, installation, maintenance and repair of special telecommunications equipment capable of serving their needs. Persons who are profoundly deaf or speech impaired so that they cannot ~~are unable to~~ use the telephone for expressive or receptive communications, as verified by a written report from an otologist, audiologist or physician, are eligible for the assistance from the fund. The plan shall ~~must~~ include specific criteria that ~~will--govern~~ govern the priorities assigned to various persons who need this equipment. The criteria shall ~~must~~ take into account household income, degree of impairment, need for emergency communications, living arrangements and other factors deemed ~~determined~~ relevant by the Division of Deafness.

Sec. 7. 35-A MRSA c. 87 is enacted to read:

CHAPTER 87

TELECOMMUNICATIONS RELAY SERVICES

§8701. Findings

The Legislature finds and declares that it is in the public interest to establish an effective statewide system to provide continuous telecommunications relay services to facilitate communication between deaf, hearing impaired or speech impaired persons who must rely on telecommunications devices for the deaf and persons using standard telephone equipment.

§8702. Definitions

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

1. Advisory council. "Advisory council" means the Telecommunications Relay Services Advisory Council.

2. Blockage level. "Blockage level" means the proportion of placed calls that fail to reach a relay operator.

3. Deaf person. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.

4. Hearing impaired person. "Hearing impaired person" means a person whose sense of hearing is defective, but still functional, with or without amplification.

2 5. Speech impaired person. "Speech impaired person" means
3 a person whose speech is nonfunctional or defective for the
4 purpose of ordinary communication.

6 6. Telecommunications device for the deaf or TDD.
7 "Telecommunications device for the deaf" or "TDD" means a
8 teletypewriter or other telecommunication equipment used by deaf,
9 hearing impaired or speech impaired people to conduct telephone
10 communications.

12 7. Telecommunications relay service. "Telecommunications
13 relay service" means a service transmitting messages and
14 information between a person using standard telephone equipment
15 for spoken communications and a deaf, hearing impaired or speech
16 impaired person using a telecommunications device for the deaf.

18 **§8703. Requirements**

20 Telecommunications relay services must conform to the
21 following requirements.

22 1. Geographic availability. Services must be available on
23 a statewide basis.

24 2. Temporal availability. Services must be available 24
25 hours a day for every calendar day of the year.

26 3. Accessibility. Relay service operators may not refuse
27 calls or limit the length of calls.

28 4. Blockage level. The allowable blockage level for the
29 telecommunications relay services must be reasonable. Complaints
30 relating to the reasonableness of the blockage level may be
31 brought to the commission by the advisory council or by 10 or
32 more aggrieved persons pursuant to section 1302, subsection 1.

33 5. Confidentiality. Relay service communications must be
34 confidential.

35 6. User fee prohibited. A separate fee for
36 telecommunications relay services may not be assessed to users of
37 the services.

38 7. Recovery of expenses and costs. The costs for
39 telecommunications relay services must be recovered in the same
40 manner as any other costs for the provision of services by local
41 exchange carriers. Nothing in this section limits the ability of
42 the commission to determine the reasonableness of the costs for
43 providing these services.

2 8. Advisory council. The providers of telecommunications
relay services must take into consideration any comments from the
advisory council.

4
6 9. Restrictions. Upon request, the providers of
telecommunications relay services shall make known to users of
the services any restrictions on the types of calls handled such
8 as collect calls and automated information services.

10 10. Notification of rates or charges. Upon request, the
providers of telecommunications relay services shall make known
12 to users any rates or charges for the services.

14 §8704. Advisory council

16 The Telecommunications Relay Services Advisory Council, as
established by Title 5, section 12004-I, subsection 74-A-1, shall
18 evaluate telecommunications relay services in this State and
provide advice to providers of telecommunications relay services.

20 1. Membership. The advisory council consists of 11 members
22 as follows:

24 A. The Director of the Division of Deafness, Department of
Human Services, or a designee;

26
28 B. The Chair of the Advisory Committee to the Division of
Deafness established by Title 5, section 12004-I, subsection
40, or a designee;

30
32 C. One member from the Public Utilities Commission,
appointed by the commissioners;

34 D. One member from the office of the Public Advocate,
appointed by the Public Advocate; and

36
38 E. Seven members appointed by the Governor as follows:

40 (1) One member from the Governor Baxter School for the
Deaf;

42 (2) One member from a statewide association for the
deaf;

44 (3) One member from a center on deafness;

46
48 (4) One member from a company providing
telecommunications relay service in this State;

50 (5) One member of a telephone association in this
52 State; and

2 (6) Two members from the general public who must rely
3 on TDD's for telecommunications.

4 2. Compensation. Compensation is not authorized.

6 3. Technical assistance. The commission shall provide
7 technical assistance to the advisory council.

8 4. Appointment of chair and vice-chair. The members shall
9 annually elect a chair and a vice-chair from among the
10 membership. The vice-chair shall serve as acting chair in the
11 absence of the chair. The council shall meet at the call of the
12 chair but no fewer than 4 times during the calendar year. The
13 chair may delegate, as necessary, duties to members to carry out
14 the functions of the council.

15 5. Powers and duties. The advisory council shall evaluate
16 telecommunications relay services in this State and shall advise
17 providers of telecommunications relay services regarding
18 telecommunications relay service matters, including, but not
19 limited to, the development of training standards and an
20 evaluation of the service being provided, including the quality
21 and availability of that service.

22 Sec. 8. Transition clause. In order to accomplish a smooth
23 transition without an interruption in service between the current
24 telecommunications relay services administered by the State
25 pursuant to the Maine Revised Statutes, Title 22, chapter 961 and
26 an effective, continuous, statewide telecommunications relay
27 system operated by other service providers, the Public Utilities
28 Commission shall periodically notify the Department of Human
29 Services of the development and implementation of any
30 telecommunications relay services. The first meeting of the
31 Telecommunications Relay Services Advisory Council must be called
32 by the Chair of the Advisory Committee to the Division of
33 Deafness.'

34 Further amend the bill by inserting after the emergency
35 clause and before the statement of fact the following:

36
37
38 **FISCAL NOTE**

39 The Public Utilities Commission will incur some minor
40 additional costs related to providing technical assistance to the
41 Telecommunications Relay Services Advisory Council. These costs
42 can be absorbed within the commission's existing budgeted
43 resources.'

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STATEMENT OF FACT

This amendment replaces the original bill. It:

1. Includes speech impaired persons within the purview of the Maine Revised Statutes, Title 22, chapter 961;

2. Replaces the specific term "teletypewriter equipment" with the more generic term "telecommunication devices for the deaf," also known by the acronym TDD;

3. Retains the telecommunications equipment plan within the Department of Human Services and replaces the term "teletypewriter equipment" with "special telecommunications devices." The Department of Human Services supplies more than teletypewriters under this program. It terminates the Department of Human Services' responsibility for a telecommunications relay service at the time another provider provides the same or similar telecommunications relay service;

4. Articulates the features of state telecommunications relay services by describing those features in Title 35-A; and

5. Creates the 11-member Telecommunications Relay Services Advisory Council to evaluate telecommunications relay service in this State and to advise providers of those services regarding telecommunications relay service matters.

Since the current telecommunications relay service administered pursuant to Title 22, chapter 961 is not a continuous, statewide system and is experiencing a high blockage rate, this amendment establishes statutory guidelines for the development of a continuous, statewide telecommunications relay system by service providers and allows for the transfer from the state-administered service provided pursuant to Title 22, chapter 961, to a service regulated under Title 35-A. In order to accomplish a smooth transition without an interruption in service, the Public Utilities Commission shall periodically notify the Department of Human Services, Division of Deafness, of the development and implementation of any telecommunications relay services. It is anticipated that the statewide service will be operational on or before January 1, 1991. Nothing in this amendment is intended to favor any particular provider of telecommunications relay service.