

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2361

H.P. 1710

House of Representatives, February 23, 1990

Reported by Representative CLARK for the Public Utilities Commission through the Joint Standing Committee on Utilities pursuant to Private and Special Law 1989, chapter 24.

Reference to the Joint Standing Committee on Utilities suggested and printing ordered under Joint Rule 18.

*Ed Pert*

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**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.**

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(EMERGENCY)



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

Whereas, deaf, hearing impaired and speech impaired persons  
rely on teletypewriters to make telephone calls; and

Whereas, the only means for deaf, speech impaired and  
hearing impaired persons to engage in vocal telephone  
communications is through telecommunications relay services; and

Whereas, the telecommunications relay service presently  
provided in Maine is limited in nature and should be upgraded; and

Whereas, without telephone relay services deaf, hearing  
impaired and speech impaired persons lack a primary means of  
obtaining fire, police, medical and other emergency services and  
obtaining information about and access to government programs and  
services; 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. 22 MRSA §3601, sub-§1, as amended by PL 1981, c. 584,  
§4, is further amended to read:

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

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

A-1. "Deaf person" means a person whose sense of hearing is  
nonfunctional for the purpose of ordinary communication.

A-2. "Hearing impaired person" means a person whose sense  
of hearing is defective, but still functional, with or  
without amplification.

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

B. "Telephone Telecommunications relay service" means a  
service transmitting messages and information between a  
person using standard telephone equipment for spoken  
communications and a deaf or hearing impaired or speech

2           impaired person using teletypewriter equipment in  
3           conjunction with standard telephone equipment for  
4           communications in a written visual form.

6           C. "Teletypewriter" means a teletypewriter and other  
7           telecommunications equipment used by deaf and hearing  
8           impaired people and speech impaired persons to conduct  
9           telephone communications.

10          D. "Teletypewriter system" means the network of  
11          teletypewriter equipment used for telephone communications  
12          to or by deaf or hearing impaired or speech impaired  
13          persons who must rely on teletypewriter equipment in order  
14          to engage in telephone communications.

16          E. "Advisory board" means the Telecommunications Relay  
17          Services Advisory Board.

18          Sec. 2. 22 MRSA §3601, sub-§2, as enacted by PL 1979, c. 546,  
19          §1, is amended to read:

22           2. **Telecommunications relay services.** The Department of  
23           Human Services shall administer a statewide program to provide  
24           telephone telecommunications relay services for deaf and hearing  
25           impaired and speech impaired persons who must rely on  
26           teletypewriter equipment for telephone ~~communications~~  
27           telecommunications. ~~The program shall, to the extent possible,~~  
28           ~~provide for 24 hour emergency relay services.~~ The  
29           telecommunications relay services must be consistent with the  
30           provisions of section 3603.

32          Sec. 3. 22 MRSA §3602, as enacted by PL 1987, c. 141, Pt. A,  
33          §1, is amended to read:

34           **§3602. Telecommunication equipment for the deaf, hearing**  
35           **impaired and speech impaired**

38           1. **Money for telecommunication typewriters.** The Bureau of  
39           Rehabilitation within the Department of Human Services, pursuant  
40           to any appropriation of money to the bureau for telecommunication  
41           typewriters for the deaf, hearing impaired and speech impaired,  
42           shall, upon request, provide up to 50% of the cost of  
43           telecommunication typewriters to any organization or municipality  
44           that makes available the remaining funds for this equipment in a  
45           manner satisfactory to the Director of the Bureau of  
46           Rehabilitation.

48           2. **Telecommunications Equipment Fund.** A Telecommunications  
49           Equipment Fund is established. The Division of Deafness in the  
50           Bureau of Rehabilitation may accept any gifts or grants for the  
51           purposes of this section. These, and any authorized  
52           appropriations shall must be deposited in the fund, and disbursed  
53           in accordance with this section. The fund may be used for

2 purchase, lease, upgrading, installation, maintenance and repair  
3 of special telecommunications equipment for the deaf, hearing  
4 impaired or speech impaired. The Division of Deafness under the  
5 Bureau of Rehabilitation may draw on the fund in accordance with  
6 the Telecommunications Equipment Plan required under subsection 3.

7  
8 **3. Telecommunications Equipment Plan.** The Division of  
9 Deafness shall develop a plan to make special telecommunications  
10 equipment available to deaf, hearing impaired and speech impaired  
11 persons and to distribute money from the Telecommunications  
12 Equipment Fund. The plan shall ~~shall~~ must be developed by the Division  
13 of Deafness annually, not later than January 1st, in accordance  
14 with the rule-making procedures in Title 5, chapter 375. The  
15 plan shall ~~provide~~ provides for the expenditure of money from the  
16 fund for the benefit of deaf, hearing impaired and speech  
17 impaired persons for the purchase, lease, upgrading,  
18 installation, maintenance and repair of special  
19 telecommunications equipment capable of serving their needs.  
20 Persons who are profoundly deaf or speech impaired so that they  
21 cannot are unable to use the telephone for expressive or  
22 receptive communications, as verified by a written report from an  
23 otologist, audiologist or physician, are eligible for the  
24 assistance from the fund. The plan shall ~~shall~~ must include specific  
25 criteria that ~~will-govern~~ governs the priorities assigned to  
26 various persons who need this equipment. The criteria shall ~~take~~  
27 takes into account household income, degree of impairment, need  
28 for emergency communications, living arrangements and other  
29 factors deemed determined relevant by the Division of Deafness.

30 **Sec. 4. 22 MRS §3603** is enacted to read:

31 **§3603. Telecommunications relay services**

32  
33 **1. Telecommunications relay services.** Telecommunications  
34 relay services administered by the Division of Deafness must  
35 conform to the following requirements:

36  
37 A. Services must be available on a statewide basis;

38  
39 B. Services must be available 24 hours a day;

40  
41 C. Relay service communications must be considered  
42 confidential;

43  
44 D. Upon request, the provider of the telecommunications  
45 relay services shall make known to users of the services any  
46 restrictions on the type of calls handled such as collect  
47 calls and automated information services; and

48  
49 E. Upon request, the provider of the telecommunications  
50 relay services shall make known to users any rates or  
51 charges for those services.

2           2. Contract for telecommunications relay services. The  
3 Division of Deafness shall contract to establish continuous  
4 statewide telecommunications relay services. The contract must  
5 be for a term of 2 years and must, to the extent possible,  
6 provide for implementation of a continuous statewide  
7 telecommunications relay service on or before January 1, 1991.

8  
9           3. Review of contract. Eighteen months after the  
10 implementation of continuous statewide telecommunications relay  
11 services, the Division of Deafness shall submit a report to the  
12 joint standing committees of the Legislature having jurisdiction  
13 over human resource and utility matters. The report must address  
14 the following topics:

15           A. Status of the existing telecommunications relay services  
16 in this State;

17           B. Alternative telecommunications relay services options  
18 including estimates for costs and implementation dates; and

19           C. Recommendations and suggested legislation for long-term  
20 implementation of telecommunications relay services in this  
21 State.

22  
23           4. Advisory board. The Telecommunications Relay Services  
24 Advisory Board is created within the Division of Deafness. The  
25 board consists of 9 members approved by the Director of the  
26 Division of Deafness. The members must include the Director of  
27 the Division of Deafness or a designee, the Chair of the Advisory  
28 Committee to the Division of Deafness created pursuant to section  
29 3074 or a designee, one member from a statewide association for  
30 the deaf, one member from a center on deafness, one member from  
31 the Governor Baxter School for the Deaf, one member from a  
32 volunteer organization, one member from a telephone company  
33 serving Maine, one member of a telephone association in this  
34 State and one member from the Office of the Public Advocate. The  
35 Public Utilities Commission shall provide technical assistance  
36 through the appointment by its chair of one or more nonvoting  
37 technical advisors to the advisory board. Members of the  
38 advisory board are entitled to be compensated according to Title  
39 5, chapter 379.

40  
41           The Director of the Division of Deafness shall appoint from the  
42 advisory board, a chair to serve for a term not to exceed 2  
43 years. A vice-chair may be appointed to serve as acting chair in  
44 the absence of the chair. The board shall meet at the call of  
45 the chair but not less than 4 times during the calendar year.  
46 The chair may delegate, as necessary, duties to members to carry  
47 out the functions of the board.

2 5. Advisory board; powers and duties. The advisory board  
3 shall advise the Director of the Division of Deafness regarding  
4 telecommunications relay service matters and shall assist in  
5 preparing the report to the Legislature required under this  
6 section.

7 6. User fee. The user fee is calculated and applied as  
8 follows:

9 A. The Director of the Division of Deafness shall establish  
10 a user fee to be assessed to all users of telecommunications  
11 relay services that is based on 30% of the cost of providing  
12 the telecommunications relay services.

13 B. The Director of the Division of Deafness shall apply the  
14 user fee on a monthly, per minute basis for every minute  
15 above the user's first 60 minutes of usage per month. A  
16 user fee may not be assessed on the user's first 60 minutes  
17 of usage per month.

18 7. Telecommunications Relay Service Fund. A  
19 Telecommunications Relay Service Fund is established. The  
20 Division of Deafness may accept any gifts or grants for the  
21 purposes of this section. The Division of Deafness shall deposit  
22 in the fund these gifts or grants, all money generated by the  
23 user fee and any authorized appropriations. The Division of  
24 Deafness shall disburse money in the fund in accordance with this  
25 section.

26 8. Use of Telecommunications Relay Service Fund. The  
27 Division of Deafness shall use the Telecommunications Relay  
28 Service Fund to obtain telecommunications relay services that  
29 conform with this section.

30 **Sec. 5. Appropriation.** The following funds are appropriated  
31 from the General Fund to carry out the purposes of this Act.

32  
33  
34  
35  
36  
37  
38 **HUMAN SERVICES, DEPARTMENT OF** 1990-91  
39  
40 **Continuous Statewide Telecommunications**  
41 **Relay Services**

42	Positions	(2.0)
43	Personal Services	\$44,500
44	All Other	950,000
45		
46	TOTAL	\$994,500

47 Provides funds for  
48 implementation of continuous

2 statewide telephone relay  
services and 2 Rehabilitation  
4 Assistant II positions for  
fiscal year 1990-91 to help  
6 administer that service.

8 **Limited Telecommunications Relay  
Services**

10 All Other \$51,000

12 Provides funds to maintain  
14 the existing limited  
telecommunications relay  
16 services through the end of  
the fiscal year 1990-91 or  
18 until the continuous  
statewide telecommunications  
relay services are in place.

20 **DEPARTMENT OF HUMAN SERVICES**  
22 **TOTAL**

\$1,045,500

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

28 **STATEMENT OF FACT**

30 This bill:

32 1. Adds 2 new definitions to the Maine Revised Statutes,  
34 Title 22, section 3601, subsection 1.

36 2. Modifies section 3601, subsection 2, to require that the  
38 telecommunications relay system administered by the Division of  
Deafness be consistent with the provisions set forth in section  
40 3603.

42 3. Clarifies that section 3602 pertains to telecommunica-  
44 tions equipment as distinguished from telecommunications relay  
services which are dealt with in section 3603.

46 4. Articulates the features and implementation of a Maine  
telecommunications relay service by describing the basic features  
48 of the relay services and directing the Division of Deafness to  
contract to establish relay services and, to the extent possible,  
50 implement a relay service on or before January 1, 1991.  
Additionally, the Division of Deafness is required to evaluate  
52 the State's relay services 18 months into the term of the  
contract. A 9-member advisory board is created to provide input



2 to the Division of Deafness on relay service matters. The  
3 Director of the Division of Deafness is authorized to establish a  
4 user fee to be paid by users of the relay services. The user fee  
5 will not apply for the first 60 minutes of each user's monthly  
6 usage of the relay services. For use of the relay services for  
7 more than 60 minutes in any month the user will be assessed a per  
8 minute usage fee for each additional minute. A Telecommunications  
9 Relay Service Fund is created.

10 5. Appropriates funds to carry out the purposes of this  
11 bill. The appropriation section is divided into 2 portions. The  
12 first portion relates to the implementation of continuous  
13 statewide telecommunications relay services. It provides for the  
14 creation of 2 positions in the Division of Deafness to help  
15 implement and administer the relay services. It also  
16 appropriates \$475,000, the estimated full annual cost of  
17 providing continuous statewide relay services. The 2nd part of  
18 the appropriation section is intended to provide funds to  
19 maintain the existing limited relay services until the continuous  
20 statewide relay services are in place.