## MAINE STATE LEGISLATURE

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### 118th MAINE LEGISLATURE

#### **SECOND REGULAR SESSION-1998**

Legislative Document

No. 2266

S.P. 853

In Senate, March 10, 1998

An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

(EMERGENCY)

Reported by Senator TREAT of Kennebec for the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities pursuant to Resolve 1997, chapter 72.

Reference to the Committee on Labor suggested and ordered printed pursuant to Joint Rule 218.

JOY J. O'BRIEN Secretary of the Senate

	Emergency preamble. Whereas, Acts of the Legislature do not
2	become effective until 90 days after adjournment unless enacted
	as emergencies; and
4	VW73
_	Whereas, this Act is necessary as an emergency measure to
6	allow the Commission to Study the Funding and Distribution of
_	Teletypewriters and Other Telecommunications Equipment for People
8	with Disabilities to continue its work immediately following the
	Second Regular Session of the 118th Legislature; and
10	XX71.
10	Whereas, in the judgment of the Legislature, these facts
12	create an emergency within the meaning of the Constitution of
1.4	Maine and require the following legislation as immediately
14	necessary for the preservation of the public peace, health and
1.6	safety; now, therefore,
16	Be it enacted by the People of the State of Maine as follows:
18	be it enacted by the reopie of the State of Manie as follows.
10	PART A
20	* CANAL TA
20	Sec. A-1. 26 MRSA §1419, sub-§1, ¶¶B-1 and B-2 are enacted to
22	read:
24	B-1. "Person with a disability" means a person who is
	unable to communicate by telephone because of a vision,
26	mobility or other physical or mental impairment.
28	B-2. "Specialized customer telecommunications equipment"
	means telecommunications equipment used by persons with
30	disabilities to conduct telephone communications.
	"Specialized customer telecommunications equipment" includes
32	but is not limited to teletypewriters, artificial larynges,
	signaling devices, amplified handsets, large number dial
34	overlays, direct telephone dialing, fax machines or other
2.0	equipment used by persons with disabilities to provide
36	access to telephone networks.
20	Sec. A-2. 26 MRSA §1419, sub-§1, ¶D, as enacted by PL 1995, c.
38	560, Pt. F, \$13, is repealed.
40	500, FC. F, SIS, IS repeated.
-14.O	Sec. A-3. 26 MRSA §1419, sub-§2, as enacted by PL 1995, c.
42	560, Pt. F, \$13, is amended to read:
74	500, IC. I, gis, is amended to read.
44	2. Specialized customer telecommunications equipment
	system. The department shall consult with appropriate agencies
46	and organizations serving the deaf community deaf,
	hard-of-hearing or speech-impaired persons and persons with
48	disabilities concerning the needs of the teletypewriter
	specialized customer telecommunications equipment system. To the
50	extent that funds are available, the department shall take steps

necessary to preserve and maintain a viable teletypewriter specialized customer telecommunications equipment system for use by the-deaf-pepulation deaf, hard-of-hearing or speech-impaired persons and persons with disabilities in this State, including, but not limited to, providing for repair services and equipment for loaning to persons whose teletypewriter specialized customer telecommunications equipment is being repaired.

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Sec. A-4. 26 MRSA §1419-A, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

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

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1. specialized customer telecommunications Money for Bureau of Rehabilitation Services within the equipment. The department, pursuant to appropriation of money to the bureau for special-telecommunication 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 special-telecommunication specialized customer telecommunications equipment to an organization or municipality that makes available the remaining funds for this equipment in a the Director satisfactory to of the Bureau manner Rehabilitation Services.

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Telecommunications Equipment Fund. There is established the Telecommunications Equipment Fund to be used by the Division of Deafness within the Bureau of Rehabilitation Services. Division of Deafness may accept gifts or grants for the purposes this section. These qifts and grants and authorized appropriations must be deposited in the Telecommunications Equipment Fund and disbursed in accordance with this section. The Telecommunications Equipment Fund may be used for purchase, lease, distribution, upgrading, installation, maintenance and of spesial specialized customer telecommunications equipment for deaf, hard-of-hearing or speech-impaired persons and persons with disabilities. The Division of Deafness may draw on the Telecommunications Equipment Fund in accordance with the telecommunications equipment plan required under subsection 3. The division shall ensure that an adequate amount of funds is available to fulfill the purposes of the fund established in this subsection and, if necessary, may make requests for additional funding from the department.

46 3. Telecommunications

3. Telecommunications equipment plan. The Division of Deafness shall develop a plan to make special specialized customer telecommunications equipment available to deaf, hard-of-hearing or speech-impaired persons and persons with disabilities and to distribute money from the Telecommunications

The plan must be developed by the Division of Equipment Fund. Deafness annually, not later than January 1st, in accordance with 2 the rule-making procedures in Title 5, chapter 375. 4 for the expenditure οf money from provide Telecommunications Equipment Fund for the benefit of б hard-of-hearing or speech-impaired persons and persons with disabilities for the purchase, lease, distribution, upgrading, 8 installation, maintenance and repair of special specialized customer telecommunications equipment capable of serving their 10 needs. Persons who are profoundly deaf or speech impaired or who have a disability so that they are unable to use the telephone 12 for expressive or receptive communications, as verified by a written report from an otologist, an audiologist or a physician, are eligible for assistance from the Telecommunications Equipment 14 The plan must ensure that persons with disabilities have access to appropriate specialized customer telecommunications 16 equipment to meet their individual needs. The plan must include specific criteria that govern the priorities assigned to various 18 The criteria must take into persons who need this equipment. 20 household income, degree ο£ impairment, emergency communications, living arrangements and other factors determined relevant by the Division of Deafness. 22 In developing the criteria, the Division of Deafness shall consult with the advisory council established in section 1413-C and other advisory 24 councils representing the interests of persons with disabilities.

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4. Specialized customer telecommunications equipment needs in the public school system. The Department of Education, in consultation with the Governor Baxter School for the Deaf and advocacy groups for deaf and hard-of-hearing persons and for the information technology interests of consumers, shall conduct an annual survey of all public schools in the State for the purpose of assessing the need for specialized customer telecommunications equipment in the school system and report its findings to the joint standing committee of the Legislature having jurisdiction over labor matters. The report must include: the number of deaf and hard-of-hearing students and their needs for specialized customer telecommunications equipment; the availability of specialized customer telecommunications equipment; the number of requests for specialized customer telecommunications equipment; and the status of training for teachers and other school personnel in the use of specialized customer telecommunications equipment.

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Sec. A-5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1998-99

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#### LABOR, DEPARTMENT OF

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Telecommunications Equipment Fund - Bureau of Rehabilitation Services  All Other  Provides additional funding for the pand distribution of specialized customay not lapse but must be carried for the pand of the pand distribution of specialized customay not lapse but must be carried for the pand of the pand	
8 Provides additional funding for the pand distribution of specialized custom telecommunications equipment. These	
and distribution of specialized cut 10 telecommunications equipment. These	\$85,000
10 telecommunications equipment. These	<del>-</del>
	e funds
for the purposes identified.	
PART B	
Sec. B-1. Resolve 1997, c. 72, §5 is amende	ed to read:
18 Sec. 5. Report. Resolved: That the conwritten report of its findings and submit	
20 with any necessary implementing legis Regular Session of the 118th Legislature	lation, to the Second
22 thecommissionrequiresanextension,- LegislativeCouncilwhichmaygrant	itmayapplytothe
24 <u>commission shall continue its study after</u> <u>Second Regular Session of the 118th Le</u>	
26 <u>final report, together with any</u> legislation, to the First Regular S	Session of the 119th
Legislature by November 30, 1998; and be i	it further
Sec. B-2. Retroactivity. This Part a January 1, 1998.	applies retroactively to
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PART C	
Sec. C-1. Comprehensive plan. The Divide Bureau of Rehabilitation Services in	
38 and the Telecommunications Relay Service consultation with an association rep	es Advisory Council, in
40 telephone companies, shall develop a of plan to provide deaf, hard-of-hearing and	
	pment and other
telecommunications equipment throughout the presented to the 119th Legislature be	by January 1, 1999. The
46 plan must develop recommendations for a develop statewide direct access to telep	

hard-of-hearing and speech-impaired persons and persons with disabilities. The request-for-proposal recommendations may

address bid specifications and performance standards for the

following contract provisions: public awareness and outreach including a toll-free number; customer 2 programs, intake and connection procedures; statewide distribution storage 4 capacity; customer access to network services on a 24-hour-a-day including equipment installation and training; 6 maintenance and repairs of specialized customer telecommunications and telecommunications equipment other 8 equipment.

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

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#### 14 SUMMARY

This bill implements the recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities.

Part A amends the statutory provisions governing the telecommunications equipment plan and the Telecommunications Equipment Fund to include other specialized customer telecommunications equipment beyond teletypewriters and expands eligibility for assistance to persons with disabilities. It also requires that the telecommunications equipment plan ensure that eligible persons have access to telecommunications equipment appropriate to their individual needs. Part A also requires an additional \$85,000 be appropriated from the General Fund to the Telecommunications Equipment Fund.

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Part B amends the enabling legislation of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities to allow the commission to continue its study after the adjournment of the Second Regular Session of the 118th Legislature and submit a final report by November 30, 1998.

Part C requires the Division of Deafness within the Bureau of Rehabilitation Services in the Department of Labor and the Relay Telecommunications Services Advisory Council, consultation with a telephone association in this State, a comprehensive plan and recommendations request-for-proposal process to provide direct access telephone networks for deaf, hard-of-hearing and speech-impaired persons and persons with disabilities.

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