

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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

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

9
10 **Sec. A-4. 26 MRSA §1419-A**, as enacted by PL 1995, c. 560,
11 Pt. F, §13, is amended to read:

12 **§1419-A. Specialized customer telecommunications equipment for**
13 **persons with disabilities**

14
15 **1. Money for specialized customer telecommunications**
16 **equipment.** The Bureau of Rehabilitation Services within the
17 department, pursuant to appropriation of money to the bureau for
18 special-telecommunication specialized customer telecommunications
19 equipment for deaf, hard-of-hearing and speech-impaired persons
20 and persons with disabilities, shall, upon request, provide up to
21 50% of the cost of special-telecommunication specialized customer
22 telecommunications equipment to an organization or municipality
23 that makes available the remaining funds for this equipment in a
24 manner satisfactory to the Director of the Bureau of
25 Rehabilitation Services.

26
27 **2. Telecommunications Equipment Fund.** There is established
28 the Telecommunications Equipment Fund to be used by the Division
29 of Deafness within the Bureau of Rehabilitation Services. The
30 Division of Deafness may accept gifts or grants for the purposes
31 of this section. These gifts and grants and authorized
32 appropriations must be deposited in the Telecommunications
33 Equipment Fund and disbursed in accordance with this section.
34 The Telecommunications Equipment Fund may be used for purchase,
35 lease, distribution, upgrading, installation, maintenance and
36 repair of special specialized customer telecommunications
37 equipment for deaf, hard-of-hearing or speech-impaired persons
38 and persons with disabilities. The Division of Deafness may draw
39 on the Telecommunications Equipment Fund in accordance with the
40 telecommunications equipment plan required under subsection 3.
41 The division shall ensure that an adequate amount of funds is
42 available to fulfill the purposes of the fund established in this
43 subsection and, if necessary, may make requests for additional
44 funding from the department.

45
46 **3. Telecommunications equipment plan.** The Division of
47 Deafness shall develop a plan to make special specialized
48 customer telecommunications equipment available to deaf,
49 hard-of-hearing or speech-impaired persons and persons with
50 disabilities and to distribute money from the Telecommunications

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

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

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

48

1998-99

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

10 **Emergency clause.** In view of the emergency cited in the
11 preamble, this Act takes effect when approved.
12

14 SUMMARY

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

20 Part A amends the statutory provisions governing the
21 telecommunications equipment plan and the Telecommunications
22 Equipment Fund to include other specialized customer
23 telecommunications equipment beyond teletypewriters and expands
24 eligibility for assistance to persons with disabilities. It also
25 requires that the telecommunications equipment plan ensure that
26 eligible persons have access to telecommunications equipment
27 appropriate to their individual needs. Part A also requires an
28 additional \$85,000 be appropriated from the General Fund to the
29 Telecommunications Equipment Fund.
30

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

38 Part C requires the Division of Deafness within the Bureau
39 of Rehabilitation Services in the Department of Labor and the
40 Telecommunications Relay Services Advisory Council, in
41 consultation with a telephone association in this State, to
42 develop a comprehensive plan and recommendations for a
43 request-for-proposal process to provide direct access to
44 telephone networks for deaf, hard-of-hearing and speech-impaired
45 persons and persons with disabilities.
46