

MAINE STATE LEGISLATURE

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DATE: *May 18, 2001*

(Filing No. S- *227*)

UTILITIES AND ENERGY

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to S.P. 348, L.D. 1162, Bill, "An Act to Ensure Telecommunications Protections for Deaf and Hard-of-hearing People"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 26 MRSA §1419, sub-§1, ¶B-2, as enacted by PL 1997, c. 751, Pt. A, §1, is amended to read:

B-2. "Specialized customer telecommunications equipment" means telecommunications equipment used by persons with disabilities to conduct telephone communications. "Specialized customer telecommunications equipment" includes but is not limited to teletypewriters, artificial larynges, signaling devices, amplified handsets, large number dial overlays, direct telephone dialing, fax machines, equipment necessary to use short message services or text message services or other equipment used by persons with disabilities to provide access to telephone networks.

Sec. 2. 26 MRSA §1419-B is enacted to read:

§1419-B. Equal access for deaf, hard-of-hearing or speech-impaired consumers to wireless telecommunication services

1. Equal access program. In order to ensure that telecommunication services are available to deaf, hard-of-hearing or speech-impaired consumers at a cost that is reasonably comparable to the cost of such services to other telephone

customers, the Bureau of Rehabilitation Services, Division of Deafness, referred to in this section as the "division," with the assistance of the Public Utilities Commission, shall establish an equal access program in accordance with this section that offers to customers of wireless or cellular service providers a rebate comparable to the discount provided to customers of landline telephone services under Title 35-A, section 7302. The equal access program must be designed to ensure that an intrastate call made by or received by a deaf, hard-of-hearing or speech-impaired consumer using specialized interpretative equipment does not result in an unreasonable cost burden on the consumer as a result of the extended length of the call. The division, with the assistance of the Public Utilities Commission, shall establish the equal access program in accordance with this section no later than January 1, 2002.

2. Fund. There is established within the division the Equal Access Fund, referred to in this section as the "fund." The fund is nonlapsing. The fund receives assessments deposited pursuant to subsection 5. The fund may be used only for the purposes of the equal access program to provide rebates in accordance with subsection 3.

3. Program design. The division, with the assistance of the Public Utilities Commission, shall design the equal access program so as to offer a 70% rebate of the cost of an intrastate cellular or wireless call that is made:

A. By or received by a certified deaf, hard-of-hearing or speech-impaired person using a teletypewriter;

B. Using the state telecommunications relay service; or

C. By an agency or community service center serving deaf, hard-of-hearing or speech-impaired persons, if the agency or center is certified by the division as eligible to receive the credit.

4. Customers qualifying for the reduction. The division, with the assistance of the Public Utilities Commission, shall design the equal access program so that the granting of a rebate is accomplished in a manner that facilitates customer use of the program and achieves, as far as practicable, a level of customer acceptance that is no less than that achieved by the discount provided under Title 35-A, section 7302.

5. Funding. The division shall annually assess providers of intrastate cellular or wireless services in accordance with this subsection and shall deposit the funds collected in the fund. The division shall assess providers of intrastate cellular

2 or wireless services in accordance with a schedule established by
3 the Public Utilities Commission. The amount of the assessment
4 must be based on identified needs of the equal access program for
5 the coming year, less any amounts carried forward in the fund
6 from the previous year. The Public Utilities Commission shall
7 determine which providers are to be assessed under this
8 subsection based on an evaluation of the extent of business
9 activity undertaken by the providers in the State and the
10 practicalities of making the assessment. The Public Utilities
11 Commission shall include as many providers as reasonably
12 practicable in order to ensure a fair and broad allocation of the
13 assessment. A provider of intrastate cellular or wireless service
14 shall provide to the Public Utilities Commission, on request,
15 records relating to its gross revenues. At the request of a
16 provider, the Public Utilities Commission may issue a protective
17 order in accordance with the Maine Rules of Civil Procedure, Rule
18 26(c) to protect any confidential business information provided
19 by the provider. Records placed under protective order by the
20 Public Utilities Commission pursuant to this subsection are
21 within the scope of a privilege against discovery within the
22 meaning of Title 1, section 402, subsection 3, paragraph B and
23 are not public records while under the protective order.

24 **6. Authority.** The division and the Public Utilities
25 Commission may issue any orders or adopt any rules the division
26 or the commission determines to be appropriate or necessary in
27 order to carry out the purposes of this section. Rules adopted
28 pursuant to this subsection are routine technical rules as
29 defined in Title 5, chapter 375, subchapter II-A.

30 **7. Reports.** By December 31, 2002 and again by December 31,
31 2004, the Telecommunications Relay Services Advisory Council as
32 established in Title 5, section 12004-I, subsection 74-A-1, shall
33 provide to the joint standing committee of the Legislature having
34 jurisdiction over utilities matters a report of its findings,
35 together with any recommendations, with regard to whether changes
36 in technology, laws or other factors have eliminated or modified
37 the need for the equal access program or whether changes to the
38 program are appropriate.

39 **8. Repeal.** This section is repealed October 31, 2005.

40 **Sec. 3. 35-A MRSA §8704, sub-§1,** as amended by PL 1993, c.
41 708, Pt. J, §12, is further amended to read:

42 **1. Membership.** The advisory council consists of ~~11~~ 12
43 members as follows:

COMMITTEE AMENDMENT "A" to S.P. 348, L.D. 1162

- 2 A. The Director of the Division of Deafness, Bureau of
3 Rehabilitation Services, Department of Education Labor, or a
4 designee;
- 6 B. The Chair of the Advisory Committee to the Division of
7 Deafness established by Title 5, section 12004-I, subsection
8 40, or a designee;
- 10 C. One member from the Public Utilities Commission,
11 appointed by the commissioners;
- 12 D. One member from the office of the Public Advocate,
13 appointed by the Public Advocate; and
- 14 E. Seven Eight members appointed by the Governor as follows:
- 16 (1) One member from the Governor Baxter School for the
17 Deaf;
- 18 (2) One member from a statewide association for the
19 deaf;
- 20 (3) One member from a center on deafness;
- 21 (4) One member from a company providing
22 telecommunications relay service in this State;
- 23 (5) One member of a telephone association in this
24 State; and
- 25 (6) Two members from the general public who must rely
26 on TDD's TTYs for telecommunications; and
- 27 7. One member representing a cellular or wireless
28 service provider.

36 **Sec. 4. Allocation.** The following funds are allocated from
37 Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
40		
42	LABOR, DEPARTMENT OF	
44	Rehabilitation Services	
46	All Other	\$500 \$500
48	Provides funds to provide	
50	rebates to certain wireless	
	or cellular service provider	

2 customers in accordance with
3 this Act.'

4 Further amend the bill by inserting at the end before the
5 summary the following:

8 **FISCAL NOTE**

10 **2001-02 2002-03**

12 **APPROPRIATIONS/ALLOCATIONS**

14 Other Funds \$500 \$500

16 **REVENUES**

18 Other Funds \$500 \$500

20 This bill establishes the Equal Access Fund to be
21 administered by the Department of Labor, Bureau of Rehabilitation
22 Services, Division of Deafness. Other Special Revenue funds from
23 an annual assessment to intrastate cellular or wireless services
24 providers will be required to capitalize the fund.

26 The Public Utilities Commission will incur some minor
27 additional costs to adopt rules establishing an equal access
28 program to ensure telecommunication services are available to
29 deaf, hard-of-hearing and speech-impaired consumers and to assist
30 the Bureau of Rehabilitation Services within the Department of
31 Labor with implementing the program. These costs can be absorbed
32 within the commission's existing budgeted resources.

34 The Department of Labor, Bureau of Rehabilitation Services,
35 Division of Deafness will incur some minor additional costs to
36 establish an equal access program to ensure telecommunication
37 services for the deaf, hard-of-hearing and speech-impaired
38 consumers and to work with the Public Utilities Commission to
39 implement the program. These costs can be absorbed within the
40 department's existing budgeted resources.

42 The annual assessment to providers of intrastate cellular or
43 wireless service will increase revenue collections. The
44 estimated increases of dedicated revenue to the Division of
45 Deafness are indeterminate at this time.'

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SUMMARY

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This amendment replaces the bill. This amendment establishes an equal access program to ensure that telecommunications services are available to deaf, hard-of-hearing and speech-impaired consumers at a cost that is reasonably comparable to the cost of such services to other telephone customers. The equal access program is established in the Division of Deafness within the Department of Labor. The program will provide a 70% rebate of the cost of those calls made using wireless or cellular services that are presently provided a 70% discount when made over landline services. The program is funded by an assessment on wireless and cellular service providers.

The program is repealed October 31, 2005.

The amendment also adds equipment necessary to use short message services or text message services to the definition of "specialized customer telecommunications equipment" for the purposes of the telecommunications equipment fund. This will allow that fund to be used to purchase such equipment for deaf, hard-of-hearing or speech-impaired persons.

This amendment also adds a representative of a wireless or cellular service provider to the membership of the Telecommunications Relay Service Advisory Council.

The amendment also adds a fiscal note to the bill.