

# MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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MAJORITY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 595, L.D. 1613, Bill, "An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community"

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-A, sub-§2, as amended by PL 2003, c. 553, Pt. A, §3, is further amended to read:

2. Communications Equipment Fund. There is established the Communications Equipment Fund to be used by the Division of Deafness within the Bureau of Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the universal service fund pursuant to Title 35-A, section 7104. The Division of Deafness may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds transferred from the universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and authorized appropriations must be deposited in the Communications Equipment Fund and disbursed in accordance with this section. The Communications Equipment Fund may be used for purchase, lease, distribution, upgrading, installation, maintenance and repair of specialized customer communications equipment for deaf, hard-of-hearing or speech-impaired persons and persons with disabilities and for training in the use of such equipment, except that funds received for the purposes of subsection 6 pursuant to Title 35-A, section 7104 may be used only in accordance with subsection 6. The

COMMITTEE AMENDMENT

2 Division of Deafness may draw on the Communications Equipment  
Fund in accordance with the communications equipment plan  
4 required under subsection 3.

6 **Sec. 2. 26 MRSA §1419-A, sub-§6** is enacted to read:

8 **6. Emergency alert telecommunications service.** A person  
who has been certified by the Division of Deafness as being deaf  
10 or hard-of-hearing and has an income of less than 135% of the  
federal poverty level must receive a discount of up to \$10 per  
12 month in the service charge for any wireless communications  
device or 2-way pager that is used to receive emergency alerts  
14 issued by any state or federal agency. Such a person must  
receive a \$10 discount except when the service charge for the  
16 wireless communications device or 2-way pager is less than \$10  
per month, in which case the person must receive a discount equal  
18 to the service charge for the wireless communications device or  
2-way pager. A company required to provide the discount is  
20 entitled to recover amounts discounted from the Communications  
Equipment Fund established in subsection 2. The Bureau of  
22 Rehabilitation Services shall adopt rules to establish the  
process for certifying eligibility with the Division of Deafness  
24 and for the process to be used by wireless and paging companies  
in recovering discounted revenue from the Communications  
26 Equipment Fund. Administrative costs associated with  
implementing this subsection may be paid from funds provided to  
28 the Communications Equipment Fund for the purposes of this  
subsection pursuant to Title 35-A, section 7104. Rules adopted  
30 pursuant to this subsection are routine technical rules as  
defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 3. 35-A MRSA §7104, sub-§5**, as enacted by PL 2003, c.  
553, Pt. A, §4, is amended to read:

34 **5. Funds for Communications Equipment Fund.** The commission  
36 shall annually transfer \$85,000 from a state universal service  
fund established pursuant to this section to the Communications  
38 Equipment Fund established under Title 26, section 1419-A. In  
addition to its authority under subsection 3, the commission may  
40 require contributions to the state universal service fund in an  
amount sufficient to collect the \$85,000.

42 If the Department of Labor, Bureau of Rehabilitation Services  
44 does not receive from federal or other sources funds in addition  
to the \$85,000 sufficient to carry out the purposes of Title 26,  
46 section 1419-A, the commission, at the request of the Department  
of Labor, Bureau of Rehabilitation Services, may transfer from  
48 the state universal service fund to the Communications Equipment  
Fund an additional amount as long as \$37,500.

50

2 ~~A. The total transfer in any year does not exceed \$122,500;~~  
and

4 ~~B. Any amount in any year in excess of \$85,000 is drawn from~~  
6 ~~funds otherwise available in the universal service fund.~~  
8 ~~The commission is not authorized to require contributions to~~  
the state universal service fund for the purposes of this  
subsection in order to collect any amount in excess of  
\$85,000 in any year.

10 The commission may, upon the request of the Department of Labor,  
12 Bureau of Rehabilitation Services and after a finding that the  
14 funds are necessary and that sufficient attempts have been made  
16 by the Bureau of Rehabilitation Services to maximize federal  
18 support to support emergency alert telecommunications service,  
20 transfer up to \$60,000 in fiscal year 2005-06, up to \$90,000 in  
22 fiscal year 2006-07 and up to \$120,000 in any subsequent fiscal  
year from the state universal service fund established by this  
section to the Communications Equipment Fund established under  
Title 26, section 1419-A for the exclusive purpose of supporting  
the discount program established under Title 26, section 1419-A,  
subsection 6.

24 The commission may require contributions to the state universal  
26 service fund in an amount necessary to collect amounts  
transferred pursuant to this subsection.

28 **Sec. 4. Recommendations.** The Public Utilities Commission, in  
30 consultation with the Department of Labor, Bureau of  
32 Rehabilitation Services, shall make recommendations to the joint  
34 standing committee of the Legislature having jurisdiction over  
36 utilities and energy matters prior to January 31, 2008 on whether  
the amount of funding authorized to be transferred pursuant to  
this subsection to the discount program established under Title  
26, section 1419-A, subsection 6 is appropriate and sufficient  
and whether adjustments should be made to the authorized amount.

38 **Sec. 5. Appropriations and allocations.** The following  
40 appropriations and allocations are made.

42 **LABOR, DEPARTMENT OF**

44 **Communications Equipment Fund**

46 Initiative: Allocates funds to provide discounts of up to \$10  
48 per month to deaf or hard-of-hearing persons with incomes of less  
than 135% of the federal poverty level for the service charge for  
any wireless communications device or 2-way pager that is used to  
receive emergency alerts issued by any state or federal agency.

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COMMITTEE AMENDMENT "A" to S.P. 595, L.D. 1613

	2005-06	2006-07
2 OTHER SPECIAL REVENUE FUNDS		
All Other	\$60,000	\$90,000
4 OTHER SPECIAL REVENUE FUNDS TOTAL	\$60,000	\$90,000'

6  
8

**SUMMARY**

10 This amendment, which is the majority report of the Joint  
12 Standing Committee on Utilities and Energy, replaces the bill but  
14 preserves much of the substance of the bill. The amendment:

16 1. Establishes a program for deaf and hard-of-hearing  
18 individuals with incomes less than 135% of the federal poverty  
20 level to provide a discount to help offset the costs of owning a  
22 wireless communications device or 2-way pager that is used to  
24 receive state or federal emergency notifications;

26 2. Provides funding for the program by allowing transfers  
28 of funds from the state universal service fund to the  
30 Communications Equipment Fund for exclusive use of the program;

32 3. Removes a provision currently prohibiting the Public  
34 Utilities Commission from requiring contributions to the state  
36 universal service fund in order to cover amounts currently  
38 authorized to be transferred from that fund to the Communications  
40 Equipment Fund;

42 4. Directs the Public Utilities Commission, in consultation  
with the Department of Labor, Bureau of Rehabilitation Services,  
to make recommendations prior to January 31, 2008 on whether the  
amount of funding authorized to be transferred from the universal  
service fund to the discount program is appropriate and  
sufficient and whether adjustments should be made to the  
authorized amount; and

5. Adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 122nd MAINE LEGISLATURE

LD 1613

LR 0870(03)

## An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Majority Report

### Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$60,000	\$90,000	\$120,000	\$120,000
<b>Transfers</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

### Fiscal Detail and Notes

This bill includes Other Special Revenue Funds allocations of \$60,000 in fiscal year 2005-06 and \$90,000 in fiscal year 2006-07 to the Communications Equipment Fund within the Bureau of Rehabilitation Services, Department of Labor, for the cost of providing a discount of up to \$10 per month for deaf and hard-of-hearing individuals with incomes below 135% of federal poverty levels to help offset the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts. This legislation provides that the Public Utilities Commission may transfer up to \$60,000 in fiscal year 2005-06 and \$90,000 in fiscal year 2006-07 from the state universal service fund to the Communications Equipment Fund to support the discount program established in this legislation.

The additional costs associated with this legislation can be absorbed by the Public Utilities Commission utilizing existing budgeted resources.