

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1613

S.P. 595

In Senate, May 3, 2005

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

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President EDMONDS of Cumberland.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 25 MRSA §2927, sub-§3,** as amended by PL 2003, c. 194,
§1, is further amended to read:

6 **3. Expenditure of funds.** The bureau may use the revenues
in the E-9-1-1 fund to fund staff and to defray costs associated
8 with the implementation, operation and management of E-9-1-1.
Upon request from the Department of Labor, Bureau of
10 Rehabilitation Services, the bureau may, to the extent funds are
12 available, transfer up to \$300,000 annually to the Communications
14 Equipment Fund established in Title 26, section 1419-A for the
16 exclusive purpose of providing emergency alert telecommunications
18 service. The bureau, to the extent it determines sufficient
funds are available in the E-9-1-1 fund, shall use revenues in
the E-9-1-1 fund to reimburse local exchange carriers and
cellular and wireless telecommunications service providers for
eligible expenses incurred by the carriers and service
providers. For purposes of this subsection, the term "eligible
20 expenses" means expenses:

22 A. Incurred in preparing, correcting, verifying or updating
subscriber information for use in databases necessary to
24 implement the E-9-1-1 system;

26 B. Determined by the Public Utilities Commission to meet the
requirements of paragraph A and to be reasonable expenses
28 for the services provided; and

30 C. When incurred by a cellular or wireless
telecommunications service provider:

32 (1) That are approved by the bureau to be properly
34 incurred for the implementation of E-9-1-1 technologies
and procedures;

36 (2) That are not separately billed to customers; and

38 (3) For which the provider is not reimbursed from any
40 other source.

42 The Public Utilities Commission, in consultation with the bureau,
shall establish procedures for reviewing and approving expenses
44 pursuant to paragraph B. The Public Utilities Commission, in
46 consultation with the bureau, shall establish procedures for
reviewing and approving expenses pursuant to any request by the
Bureau of Rehabilitation Services.

48 **Sec. 2. 26 MRSA §1419-A, sub-§2,** as amended by PL 2003, c.
50 553, Pt. A, §3, is further amended to read:

2 **2. Communications Equipment Fund.** There is established the
4 Communications Equipment Fund to be used by the Division of
6 Deafness within the Bureau of Rehabilitation Services. The fund
8 is nonlapsing. The fund receives money transferred by the Public
10 Utilities Commission from the universal service fund pursuant to
12 Title 35-A, section 7104. The Division of Deafness may accept
14 gifts or grants, including, but not limited to, federal grants,
16 for the purposes of this section. Funds transferred from the
18 universal service fund pursuant to Title 35-A, section 7104,
20 funds transferred from the E-9-1-1 fund pursuant to Title 25,
22 section 2927 and all gifts and grants and authorized
24 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 provision of emergency alert
telecommunications service pursuant to Title 25, section 2927 and
Title 35-A, section 7104 may be used only in accordance with
subsection 6. The Division of Deafness may draw on the
Communications Equipment Fund in accordance with the
communications equipment plan required under subsection 3.

26 **Sec. 3. 26 MRSA §1419-A, sub-§6** is enacted to read:

28 **6. Emergency alert telecommunications service.** A person
30 who has been certified by the Division of Deafness as being deaf
32 or hard-of-hearing and has an income of less than 225% of the
34 federal poverty level must receive a discount of up to \$10 per
36 month in the service charge for any wireless communications
38 device or 2-way pager that is used to receive emergency alerts
40 issued by any state or federal agency. Such a person must
42 receive a \$10 discount except where the service charge for the
44 wireless communications device or 2-way pager is less than \$10
46 per month, in which case the person must receive a discount equal
48 to the service charge for the wireless communications device or
50 2-way pager. A company required to provide the discount is
entitled to recover amounts discounted from the Communications
Equipment Fund established in subsection 2. The Bureau of
Rehabilitation Services shall adopt rules to establish the
process for certifying eligibility with the Division of Deafness
and for the process to be used by wireless and paging companies
in recovering discounted revenue from the Communications
Equipment Fund. Administrative costs associated with
implementing this subsection may be paid for through funds
collected pursuant to Title 25, section 2927 and Title 35-A,
section 7104. Rules adopted pursuant to this subsection are
routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

2 **Sec. 4. 35-A MRSA §7104, sub-§5**, as enacted by PL 2003, c.
3553, Pt. A, §4, is amended to read:

4
5 **5. Funds for Communications Equipment Fund.** The commission
6 shall annually transfer \$85,000 from a state universal service
7 fund established pursuant to this section to the Communications
8 Equipment Fund established under Title 26, section 1419-A for
9 general use. The commission may, upon the request of the
10 Department of Labor, Bureau of Rehabilitation Services and after
11 a finding that the funds are necessary and that sufficient
12 attempts have been made by the Bureau of Rehabilitation Services
13 to maximize federal support to support emergency alert
14 telecommunications service, transfer \$300,000 annually from the
15 state universal service fund established by this section to the
16 Communications Equipment Fund established under Title 26, section
17 1419-A for the exclusive purpose of supporting emergency alert
18 telecommunications service. In addition to its authority under
19 subsection 3, the commission may require contributions to the
20 state universal service fund in an amount sufficient to collect
21 the \$85,000. The commission is further authorized to require
22 contributions to the state universal service fund in an amount
23 not to exceed \$300,000 upon a finding that such contributions are
24 necessary and that sufficient attempts have been made by the
25 Bureau of Rehabilitation Services to maximize federal support to
26 support emergency alert telecommunications service.

27 If the Department of Labor, Bureau of Rehabilitation Services
28 does not receive from federal or other sources funds in addition
29 to the \$85,000 sufficient to carry out the general purposes of
30 Title 26, section 1419-A, the commission, at the request of the
31 Department of Labor, Bureau of Rehabilitation Services, may
32 transfer from the state universal service fund to the
33 Communications Equipment Fund an additional amounts-as-long-as
34 \$37,500. The commission may require contributions to the state
35 universal service fund in an amount sufficient to collect the
36 \$37,500.

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

39 ~~B.-Any amount in any year in excess of \$85,000 is drawn from~~
40 ~~funds otherwise available in the universal service fund.~~
41 ~~The commission is not authorized to require contributions to~~
42 ~~the state universal service fund for the purposes of this~~
43 ~~subsection in order to collect any amount in excess of~~
44 ~~\$85,000 in any year.~~

SUMMARY

2

4 This bill establishes a program for low-income deaf and
6 hard-of-hearing individuals to provide a discount to help offset
8 costs of owning a wireless communications device or 2-way pager
10 that is used to receive state or federal emergency
12 notifications. The program is designed to account for up to
14 \$600,000 in discounts for individuals within the deaf and
16 hard-of-hearing community. Wireless and paging companies who
 provide the discounts may recover their amounts of the discount
 from the Communications Equipment Fund, which is funded through
 support from the state universal service fund and the E-9-1-1
 fund. Funds received for emergency alert telecommunications
 service may not be used for any purpose other than repaying
 wireless and paging companies for discounts given to deaf and
 hard-of-hearing customers.

18 The bill amends the laws governing the Communications
20 Equipment Fund to account for new funds coming from the E-9-1-1
22 and state universal service funds and to ensure that such funds
 are dedicated to the purposes of the bill.

24 It establishes the discount program and allows the
26 Department of Labor, Bureau of Rehabilitation Services to adopt
 rules to implement the program.

28 It amends the laws governing the E-9-1-1 fund so that some
30 of these funds can be used to support the communications
 equipment program.

32 It amends the laws governing the state universal service
34 fund so that it provides support to the communications equipment
 program and to correct a previously ambiguous portion of the law
 concerning additional disbursements to the communications
 equipment program for general use.