

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 233

S.P. 71

In Senate, January 16, 2007

An Act To Provide Funds for Voice-activated Telephones

Reference to the Committee on Labor suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROSEN of Hancock.
Cosponsored by Senators: COURTNEY of York, PLOWMAN of Penobscot, SMITH of
Piscataquis, Representative: CAMPBELL of Newfield.

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

2 **Sec. 1. 26 MRSA §1419-A, sub-§2,** as amended by PL 2005, c. 336, §1, is
3 further amended to read:

4 **2. Communications Equipment Fund.** There is established the Communications
5 Equipment Fund to be used by the Division of Deafness within the Bureau of
6 Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by
7 the Public Utilities Commission from the universal service fund pursuant to Title 35-A,
8 section 7104. The Division of Deafness may accept gifts or grants, including, but not
9 limited to, federal grants, for the purposes of this section. Funds transferred from the
10 universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and
11 authorized appropriations must be deposited in the Communications Equipment Fund and
12 disbursed in accordance with this section. The Communications Equipment Fund may be
13 used for purchase, lease, distribution, upgrading, installation, maintenance and repair of
14 specialized customer communications equipment for deaf, hard-of-hearing or speech-
15 impaired persons and persons with disabilities and for training in the use of such
16 equipment, except that funds received for the purposes of subsection 6 pursuant to Title
17 35-A, section 7104 may be used only in accordance with subsection 6. The Division of
18 Deafness may draw on the Communications Equipment Fund in accordance with the
19 communications equipment plan required under subsection 3. The Division of Deafness
20 shall draw on the Communications Equipment Fund to fund the voice-activated telephone
21 lending program pursuant to subsection 7.

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

24 **3. Communications equipment plan.** The Division of Deafness shall develop a
25 plan to make specialized customer communications equipment available to deaf, hard-of-
26 hearing or speech-impaired persons and persons with disabilities and to distribute money
27 from the Communications Equipment Fund. The plan must be developed by the Division
28 of Deafness annually, not later than January 1st, in accordance with the rule-making
29 procedures in Title 5, chapter 375. The plan must provide for the expenditure of money
30 from the Communications Equipment Fund for the benefit of deaf, hard-of-hearing or
31 speech-impaired persons and persons with disabilities for the purchase, lease,
32 distribution, upgrading, installation, maintenance and repair of specialized customer
33 communications equipment capable of serving their needs and may provide for
34 expenditures for training in the use of such equipment. The plan must provide for
35 expenditures for the voice-activated telephone lending program in accordance with
36 subsection 7. Persons who are profoundly deaf or speech-impaired or who have a
37 disability so that they are unable to use the telephone for expressive or receptive
38 communications, as verified by a written report from an otologist, an audiologist or a
39 physician, are eligible for assistance from the Communications Equipment Fund. The
40 plan must ensure that persons with disabilities have access to appropriate specialized
41 customer communications equipment to meet their individual needs. The plan must
42 include specific criteria that govern the priorities assigned to various persons who need
43 this equipment. The criteria must take into account household income, degree of
44 impairment, need for emergency communications, living arrangements and other factors

1 determined relevant by the Division of Deafness. In developing the criteria, the Division
2 of Deafness shall consult with the advisory council established in section 1413-C and
3 other advisory councils representing the interests of persons with disabilities.

4 **Sec. 3. 26 MRSA §1419-A, sub-§7** is enacted to read:

5 **7. Voice-activated telephone lending program.** There is established within the
6 Bureau of Rehabilitation Services the voice-activated telephone lending program, referred
7 to in this subsection as “the program,” for the purpose of lending voice-activated
8 telephones to persons with disabilities and, as appropriate, to deaf, hard-of-hearing or
9 speech-impaired persons. The program must lend a minimum of 5 voice-activated
10 telephones. The Communications Equipment Fund must be used to fund the program.
11 The bureau shall adopt rules to implement the program, including but not limited to rules
12 governing program eligibility, criteria to govern the priorities assigned to various persons
13 who need this equipment and terms of a lending agreement. Rules adopted pursuant to
14 this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter
15 2-A.

16

SUMMARY

17 This bill establishes a program within the Department of Labor, Bureau of
18 Rehabilitation Services to lend voice-activated telephones to persons with disabilities and
19 to deaf, hard-of-hearing or speech-impaired persons. The program is required to lend out
20 a minimum of 5 voice-activated telephones. This program is funded by the
21 Communications Equipment Fund, which receives funds from the state universal service
22 fund.