

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 536

H.P. 414

House of Representatives, February 5, 2007

### **An Act To Promote Efficiency in the Use of the Communications Equipment Fund**

(EMERGENCY)

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BLISS of South Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, CAIN of Orono, CROCKETT of Augusta, EBERLE of South Portland, KAENRATH of South Portland, SIROIS of Turner, Senator: BARTLETT of Cumberland.

1       **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** the Communications Equipment Fund provides specialized  
4 communications equipment to meet the communications needs of deaf, hard-of-hearing  
5 and speech-impaired persons and persons with disabilities; and

6       **Whereas,** changes in the allocation of money from the fund are necessary to  
7 increase the efficiency in the use of the fund and address critical communications  
8 equipment needs of deaf, hard-of-hearing and speech-impaired persons and persons with  
9 disabilities who rely on equipment provided by the fund; and

10       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

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

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

17       **2. Communications Equipment Fund.** There is established the Communications  
18 Equipment Fund to be used by the Division of Deafness within the Bureau of  
19 Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by  
20 the Public Utilities Commission from the universal service fund pursuant to Title 35-A,  
21 section 7104. The Division of Deafness may accept gifts or grants, including, but not  
22 limited to, federal grants, for the purposes of this section. Funds transferred from the  
23 universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and  
24 authorized appropriations must be deposited in the Communications Equipment Fund and  
25 disbursed in accordance with this section. The Communications Equipment Fund may be  
26 used for purchase, lease, distribution, upgrading, installation, maintenance and repair of  
27 specialized customer communications equipment for deaf, hard-of-hearing or speech-  
28 impaired persons and persons with disabilities ~~and~~, for training in the use of such  
29 equipment and for administrative costs associated with these uses of the fund, except that  
30 funds received for the purposes of subsection 6 pursuant to Title 35-A, section 7104 may  
31 be used only in accordance with subsection 6. The Division of Deafness may draw on the  
32 Communications Equipment Fund in accordance with the communications equipment  
33 plan required under subsection 3.

34       **Sec. 2. 26 MRSA §1419-A, sub-§6,** as enacted by PL 2005, c. 336, §2, is  
35 amended to read:

36       **6. Emergency alert telecommunications service.** A person who has been certified  
37 by the Division of Deafness as being deaf or hard-of-hearing and has an income of less  
38 than 135% of the federal poverty level must receive a discount of up to \$10 per month in  
39 the service charge for any wireless communications device or 2-way pager that is used to  
40 receive emergency alerts issued by any state or federal agency or a discount equal to the

1 monthly service charge for any one-way pager that is used to receive emergency alerts  
2 issued by any state or federal agency. ~~Such a~~ A person using a wireless communications  
3 device or 2-way pager must receive a \$10 discount except when the service charge for the  
4 wireless communications device or 2-way pager is less than \$10 per month, in which case  
5 the person must receive a discount equal to the service charge for the wireless  
6 communications device or 2-way pager. A company required to provide the discount is  
7 entitled to recover amounts discounted from the Communications Equipment Fund  
8 established in subsection 2. The Bureau of Rehabilitation Services shall adopt rules to  
9 establish the process for certifying eligibility with the Division of Deafness and for the  
10 process to be used by wireless and paging companies in recovering discounted revenue  
11 from the Communications Equipment Fund. Administrative costs associated with  
12 implementing this subsection may be paid from funds provided to the Communications  
13 Equipment Fund for the purposes of this subsection pursuant to Title 35-A, section 7104.  
14 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
15 chapter 375, subchapter 2-A.

16 **Sec. 3. 35-A MRSA §7104, sub-§5**, as repealed and replaced by PL 2005, c. 683,  
17 Pt. A, §59, is amended to read:

18 **5. Funds for Communications Equipment Fund.** The commission shall annually  
19 transfer \$85,000 from a state universal service fund established pursuant to this section to  
20 the Communications Equipment Fund established under Title 26, section 1419-A.

21 If the Department of Labor, Bureau of Rehabilitation Services does not receive from  
22 federal or other sources funds in addition to the \$85,000 sufficient to carry out the  
23 purposes of Title 26, section 1419-A, the commission, at the request of the Department of  
24 Labor, Bureau of Rehabilitation Services, may transfer from the state universal service  
25 fund to the Communications Equipment Fund an additional ~~\$37,500~~ \$100,000.

26 The commission may, upon the request of the Department of Labor, Bureau of  
27 Rehabilitation Services and after a finding that the funds are necessary and that sufficient  
28 attempts have been made by the Bureau of Rehabilitation Services to maximize federal  
29 support to support emergency alert telecommunications service, annually transfer up to  
30 ~~\$60,000 in fiscal year 2005-06, up to \$90,000 in fiscal year 2006-07 and up to \$120,000~~  
31 ~~in any subsequent fiscal year~~ \$57,500 from the state universal service fund established by  
32 this section to the Communications Equipment Fund established under Title 26, section  
33 1419-A for the exclusive purpose of supporting the discount program established under  
34 Title 26, section 1419-A, subsection 6.

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

37 **Emergency clause.** In view of the emergency cited in the preamble, this  
38 legislation takes effect when approved.

39 **SUMMARY**

40 The Communications Equipment Fund receives money from the state universal  
41 service fund to provide communications equipment and related services to deaf, hard-of-

1 hearing and speech-impaired persons and persons with disabilities. This bill makes  
2 changes to the funding levels for specific programs under the Communications  
3 Equipment Fund while preserving the total annual amount available to the  
4 Communications Equipment Fund at the amount authorized for fiscal year 2007-08 and  
5 subsequent years, which is \$242,500. The bill increases from \$122,500 to \$185,000 the  
6 maximum annual funding for communications equipment purposes, including purchase,  
7 lease, distribution, maintenance and repair of specialized equipment, and clarifies that this  
8 funding may be used for associated administrative costs. The bill decreases from  
9 \$120,000 to \$57,500 the maximum annual funding for the discount program for  
10 emergency alert telecommunications services for low-income persons who are deaf or  
11 hard-of-hearing. The bill also expands the technology covered by the discount program to  
12 include one-way pagers, in addition to two-way pagers and wireless telecommunications  
13 devices, and requires that the discount for one-way pagers be equal to the monthly service  
14 charge.