

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 766

H.P. 525

House of Representatives, February 26, 2009

**An Act To Promote Telecommunications Availability for the Deaf
and Hard of Hearing**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WAGNER of Lyman.
Cosponsored by Senator BOWMAN of York and
Representatives: FLAHERTY of Scarborough, FLETCHER of Winslow.

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

2 **Sec. 1. 35-A MRSA §7302, sub-§1**, as amended by PL 1995, c. 560, Pt. F, §15,
3 is further amended to read:

4 **1. Rate reduction.** The commission shall establish a 70% rate reduction for
5 intrastate usage-sensitive toll calls made on lines, or via credit cards assigned to lines,
6 used for making calls from certified deaf, hard-of-hearing or speech-impaired persons
7 who must rely on ~~teletypewriters~~ telecommunications devices for the deaf for residential
8 telephone communications. In addition, the 70% rate reduction must apply to all usage-
9 sensitive intrastate toll calls using the state telecommunications relay service. Upon
10 request, this discount must be provided to any noncertified user making calls to a certified
11 user, provided the noncertified user informs the ~~local exchange carrier or~~ intrastate toll
12 provider of the relevant billed calls made during each billing period. This reduction must
13 also apply to intrastate toll calls made by agencies certified by the Division of Deafness
14 in the Department of Labor as eligible to receive a discount, while providing vocal relay
15 services to deaf, hard-of-hearing or speech-impaired persons, as well as to community
16 service centers serving deaf, hard-of-hearing or speech-impaired persons certified by the
17 Division of Deafness of the Department of Labor as eligible to receive a discount. The
18 costs incurred by a telephone company under this subsection are just and reasonable
19 expenses for rate-making purposes.

20 **Sec. 2. 35-A MRSA §7302, sub-§2**, as amended by PL 1993, c. 275, §1, is
21 further amended to read:

22 **2. Customers qualifying for the reduction.** To qualify for the reduction, a
23 customer must file an affidavit, on a form approved by the ~~Public Utilities Commission~~
24 commission, with the ~~telephone utility~~ customer's intrastate toll provider, stating that, due
25 to deafness, hearing impairment or speech impairment, the customer or a member of the
26 household must rely on a ~~teletypewriter for telephone communications and that the~~
27 ~~equipment is connected or acoustically coupled to the customer's telephone~~
28 telecommunications device for the deaf for telecommunications.

29 **Sec. 3. 35-A MRSA §7302, sub-§3** is enacted to read:

30 **3. Telecommunications device for the deaf.** For purposes of this section
31 "telecommunications device for the deaf" has the same meaning as in section 8702,
32 subsection 6.

33 **Sec. 4. 35-A MRSA §7505, sub-§5**, as amended by PL 1993, c. 708, Pt. J, §11, is
34 further amended to read:

35 **5. Devices.** The requirements of this section may be satisfied by installation of
36 ~~telecommunication typewriters, including so called telecommunication~~
37 telecommunications devices for the deaf as defined in section 8702, subsection 6, or other
38 devices approved by the Department of ~~Education~~ Labor, Office of Rehabilitation
39 Services, Division of Deafness.

1 **Sec. 5. 35-A MRSA §8701**, as enacted by PL 1989, c. 851, §7, is amended to
2 read:

3 **§8701. Findings**

4 The Legislature finds and declares that it is in the public interest to establish an
5 effective statewide system to provide continuous telecommunications relay services to
6 facilitate communication between deaf, hearing impaired or speech impaired persons who
7 ~~must rely on~~ use telecommunications devices for the deaf and persons using standard
8 telephone equipment.

9 **Sec. 6. 35-A MRSA §8702, sub-§3-A** is enacted to read:

10 **3-A. Hard-of-hearing person.** "Hard-of-hearing person" means a person whose
11 sense of hearing is reduced but still functional, with or without amplification.

12 **Sec. 7. 35-A MRSA §8702, sub-§5**, as enacted by PL 1989, c. 851, §7, is
13 amended to read:

14 **5. Speech impaired person.** "Speech impaired person" means a person whose
15 speech is nonfunctional or ~~defective~~ diminished for the purpose of ordinary
16 communication.

17 **Sec. 8. 35-A MRSA §8702, sub-§6**, as enacted by PL 1989, c. 851, §7, is
18 amended to read:

19 **6. Telecommunications device for the deaf or TDD.** "Telecommunications device
20 for the deaf" or "TDD" means a teletypewriter, or TTY, or other telecommunication
21 equipment used by deaf, hearing impaired or speech impaired people to conduct
22 telephone communications, including but not limited to devices required for captioned
23 telephone service, equipment necessary to perform video relay service and 2-way paging
24 devices.

25 **Sec. 9. 35-A MRSA §8702, sub-§7**, as enacted by PL 1989, c. 851, §7, is
26 amended to read:

27 **7. Telecommunications relay service.** "Telecommunications relay service" means
28 a service transmitting messages and information between a person using standard
29 telephone equipment for spoken communications and a deaf, hearing impaired or speech
30 impaired person using a telecommunications device for the deaf and another person.

31 **Sec. 10. 35-A MRSA §8703, sub-§1**, as enacted by PL 1989, c. 851, §7, is
32 amended to read:

33 **1. Geographic availability.** Services must be available on a statewide basis to the
34 extent that they are technologically feasible.

35 **Sec. 11. 35-A MRSA §8704, sub-§1, ¶E**, as amended by PL 2005, c. 279, §17,
36 is further amended to read:

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- E. Eight members appointed by the Governor as follows:
 - (1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
 - (2) One member from a statewide association for the deaf;
 - (3) One member from a center on deafness;
 - (4) One member from a ~~company~~ the largest incumbent local exchange carrier providing telecommunications relay service in this State;
 - (5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);
 - (6) Two members from the general public who ~~must rely on TTYs for use~~ telecommunications devices for the deaf as a primary means of telecommunications; and
 - (7) One member representing a cellular or wireless service provider.

SUMMARY

This bill clarifies that the 70% rate reduction in intrastate toll calls established by the Public Utilities Commission for deaf, hard-of-hearing and speech-impaired persons applies when there are toll charges assessed for the calls. The bill also replaces certain references in the law to teletypewriters with references to telecommunications devices for the deaf. This is intended to reflect the new ways in which the deaf and hard-of-hearing community uses telecommunications services. The bill clarifies that the Division of Deafness is in the Department of Labor and not the Department of Education. The bill changes the definition for telecommunications devices for the deaf. The bill also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the State where it is not technologically feasible to provide the service. The bill clarifies the membership of the Telecommunications Relay Services Advisory Council.