

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 868

H.P. 599

House of Representatives, March 5, 2009

### **An Act To Rename the Division of Deafness within the Department of Labor**

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CAIN of Orono.  
Cosponsored by Senator SCHNEIDER of Penobscot and  
Representatives: BUTTERFIELD of Bangor, CUSHING of Hampden, PRIEST of Brunswick,  
THIBODEAU of Winterport, TUTTLE of Sanford, WEBSTER of Freeport.

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

2           **Sec. 1. 5 MRSA §48-A**, as enacted by PL 2003, c. 685, §2, is amended to read:

3           **§48-A. Communication services for deaf persons, hard-of-hearing persons and late-**  
4           **deafened persons in court and other legal settings**

5           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
6           following terms have the following meanings.

7           A. "Advocate" means a person who is not a lawyer and who provides to the public  
8           advice or other substantive legal work that is not prohibited by law or regulation.

9           B. "Agency" means any authority, board, bureau, commission, department or officer  
10           of State Government or of any county, municipality, school district or any other  
11           political or administrative subdivision.

12           C. "Bureau" means the Department of Labor, Bureau of Rehabilitation Services.

13           D. "CART" means computer-assisted real-time transcription using specialized  
14           equipment to transcribe real time word-for-word spoken English into written English  
15           that can be viewed on a computer screen or projected onto a large screen.

16           E. "CART provider" means a person who provides CART.

17           F. "Client" means a deaf person, a hard-of-hearing person, a late-deafened person or  
18           a hearing person who is provided interpreting services by a privileged interpreter.

19           G. "Confidential communication" means a communication that a client has a  
20           reasonable expectation is not being disclosed to persons other than a privileged  
21           interpreter and any client to whom the communication is intended to be made.

22           H. "Deaf interpreter" means a deaf person ~~or~~, hard-of-hearing person or late-  
23           deafened person with native or near-native fluency in American Sign Language who  
24           has training in interpreting and training or experience in the use of gesture, mime,  
25           props, drawings and other tools to enhance communication for deaf persons with  
26           minimal language skills.

27           I. "Deaf person" means a person whose sense of hearing is nonfunctional for the  
28           purpose of communication and who must depend primarily upon visual  
29           communication.

30           J. "Hard-of-hearing person" means a person who has a hearing loss resulting in a  
31           functional loss, but not to the extent that the person must depend primarily upon  
32           visual communication.

33           K. "Interpreting organization" means an organization whose function is to provide  
34           qualified legal interpreter services for a fee.

35           K-1. "Late deafened" means that the sense of hearing of an individual is  
36           nonfunctional for the purpose of communication and that the individual must depend  
37           primarily upon visual communication. The loss of the sense of hearing for a late-  
38           deafened individual occurs after the development of speech and language.

1 L. "Privileged interpreter" means a person identified by clients as necessary to  
2 facilitate accurate communication between the clients and who otherwise has no  
3 substantial personal or business interest in the communication.

4 M. "Qualified legal interpreter" means a person who is licensed under Title 32,  
5 chapter 22 as a certified interpreter, certified deaf interpreter or certified transliterator  
6 and who:

7 (1) Is a hearing person who:

8 (a) Holds a current Specialist Certificate: Legal from the Registry of  
9 Interpreters for the Deaf, Inc. or its successor;

10 (b) Satisfies the eligibility criteria for taking the exam for the specialist  
11 certificate described in division (a) as long as, by January 1, 2012, that  
12 person obtains the specialist certificate described in division (a); or

13 (c) Is included on the bureau's list of qualified interpreters on the effective  
14 date of this section, as long as that person, by January 1, 2006, meets the  
15 eligibility criteria for taking the exam for the specialist certificate described  
16 in division (a) and, by January 1, 2012, obtains the specialist certificate  
17 described in division (a); or

18 (2) Is a deaf interpreter who holds a current Certificate of Interpretation from the  
19 Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills  
20 Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor.  
21 Beginning January 1, 2006, a deaf person or, hard-of-hearing person or late-  
22 deafened person must also satisfy the eligibility criteria for taking the exam for  
23 the Specialist Certificate: Legal or its successor.

24 N: "Travel expenses" means actual expenses for transportation reimbursable at the  
25 usual state mileage rate, tolls, parking fees or other fees specified in an agreement  
26 between an interpreter or an interpreting organization and an agency or court  
27 retaining the services of the interpreter at a specific date, time and place.

28 **2. Interpreter services or CART required for agency or court proceedings.**

29 When any personal or property interest of a deaf person or, hard-of-hearing person or  
30 late-deafened person or of a minor whose parent or guardian is a deaf person or, hard-of-  
31 hearing person or late-deafened person is the subject of a proceeding before any agency  
32 or court, the presiding officer of the proceeding shall appoint a qualified legal interpreter  
33 or CART provider.

34 A. A qualified legal interpreter or CART provider must be appointed under this  
35 subsection after consultation with, and giving primary consideration to the request of,  
36 the deaf person or, hard-of-hearing person or late-deafened person. If the appointed  
37 qualified legal interpreter does not meet the needs of the deaf person or, hard-of-  
38 hearing person or late-deafened person, the presiding officer shall, with the consent  
39 of the deaf person or, hard-of-hearing person or late-deafened person, appoint another  
40 qualified legal interpreter.

41 B. If a qualified legal interpreter appointed under this subsection for the deaf person  
42 or, hard-of-hearing person or late-deafened person states that the interpretation is not  
43 satisfactory and that a qualified legal interpreter who is a deaf person or, a hard-of-

1 hearing person or a late-deafened person will improve the quality of interpretation,  
2 the presiding officer shall appoint a qualified legal interpreter who is a deaf person  $\text{\textcircled{e}}$ ,  
3 a hard-of-hearing person or a late-deafened person to assist the qualified legal  
4 interpreter.

5 C. The presiding officer shall appoint as many qualified legal interpreters under this  
6 subsection as are necessary to meet the needs of the deaf person  $\text{\textcircled{e}}$ , hard-of-hearing  
7 person or late-deafened person.

8 D. A qualified legal interpreter or CART provider appointed under this subsection  
9 must be reimbursed by the agency or court conducting the proceeding at a rate  
10 negotiated with the qualified legal interpreter or interpreting organization, plus travel  
11 expenses; except that employees of the State or any of its political subdivisions,  
12 public employees and public or private school, university and college teachers or  
13 administrators for interpreting services or anyone who receives a salary during  
14 regular work hours may not be reimbursed under this subsection or subsection 3 for  
15 interpreter services performed during their regular working hours. This paragraph  
16 does not prevent any agency or court from employing a qualified legal interpreter on  
17 a full-time basis or under contract at a mutually agreed-upon compensation rate.

18 E. It is the responsibility of the agency or court conducting the proceeding to ensure  
19 compliance with the provisions of this subsection.

20 **3. Interpreting services or CART for consultation with appointed attorneys.**

21 When a court appoints an attorney to represent a deaf person  $\text{\textcircled{e}}$ , hard-of-hearing person  
22 or late-deafened person or to represent a juvenile whose parent or guardian is a deaf  
23 person  $\text{\textcircled{e}}$ , hard-of-hearing person or late-deafened person, the court shall provide  
24 interpreting services or CART in accordance with this subsection to allow for effective  
25 consultation between the attorney and client. Interpreting services or CART provided  
26 under this subsection must be paid for directly by the court and is not the responsibility of  
27 the attorney.

28 **4. Legal interpreting fund for services of attorneys and advocates, generally.**

29 The bureau shall maintain a legal interpreting fund, which must be used to reimburse  
30 private attorneys and advocates for the cost of interpreting services or CART that assists  
31 the attorney or advocate in effectively representing deaf persons  $\text{\textcircled{e}}$ , hard-of-hearing  
32 persons or late-deafened persons in cases in which subsection 3 does not apply. This  
33 fund may not be used to cover interpreting services or CART for actual proceedings  
34 pursuant to subsection 2.

35 **5. Privileged communication.** Except when a court in the exercise of sound  
36 discretion determines the disclosure necessary to the proper administration of justice, a  
37 privileged interpreter may not disclose any aspect of a confidential communication  
38 facilitated by that privileged interpreter unless all clients of the privileged interpreter  
39 privity to that confidential communication consent to the disclosure.

40 **6. Oath.** Every qualified legal interpreter appointed under subsection 2 shall, before  
41 performing the qualified legal interpreter's duties, take an oath that the qualified legal  
42 interpreter will make a true interpretation in an understandable manner to the person for  
43 whom the qualified legal interpreter is appointed, and that the qualified legal interpreter

1 will repeat the statements of the person in the English language to the best of the qualified  
2 legal interpreter's ability.

3 **7. Provide information.** With the cooperation of the Registry of Interpreters for the  
4 Deaf, Inc. or its successor, the bureau shall prepare and continually update a directory  
5 listing all qualified legal interpreters in the State. When requested by an agency or court,  
6 the bureau shall furnish the agency or court with the directory. The Division of Deafness  
7 for the Deaf, Hard of Hearing and Late Deafened within the bureau shall also provide  
8 information to the public, including state agencies and individuals who work with  
9 interpreters, regarding the qualifications necessary to become a qualified legal interpreter.

10 **Sec. 2. 5 MRSA §12004-I, sub-§54-B,** as enacted by PL 1995, c. 560, Pt. F, §8,  
11 is repealed.

12 **Sec. 3. 5 MRSA §12004-J, sub-§17** is enacted to read:

13 **17.**

14 <u>Labor:</u>	<u>Commission for the</u>	<u>Expenses Only.</u>	<u>26 MRSA §1413-C</u>
15 <u>Rehabilitation</u>	<u>Division for the</u>		
16 <u>Services</u>	<u>Deaf, Hard of</u>		
17	<u>Hearing and Late</u>		
18	<u>Deafened</u>		

19 **Sec. 4. 26 MRSA §1413,** as enacted by PL 1995, c. 560, Pt. F, §13, is amended to  
20 read:

21 **§1413. Division for the Deaf, Hard of Hearing and Late Deafened**

22 There is established the Division of Deafness for the Deaf, Hard of Hearing and Late  
23 Deafened within the Department of Labor, Bureau of Rehabilitation Services.

24 **Sec. 5. 26 MRSA §1413-A, sub-§1,** as enacted by PL 1995, c. 560, Pt. F, §13, is  
25 repealed.

26 **Sec. 6. 26 MRSA §1413-A, sub-§1-A** is enacted to read:

27 **1-A. Commission.** "Commission" means the Commission for the Division for the  
28 Deaf, Hard of Hearing and Late Deafened.

29 **Sec. 7. 26 MRSA §1413-A, sub-§4,** as enacted by PL 1995, c. 560, Pt. F, §13, is  
30 repealed.

31 **Sec. 8. 26 MRSA §1413-A, sub-§5** is enacted to read:

32 **5. Late deafened.** "Late deafened" means that the sense of hearing of an individual  
33 is nonfunctional for the purpose of communication and that the individual must depend  
34 primarily upon visual communication. The loss of the sense of hearing for a late  
35 deafened individual occurs after the development of speech and language.

1           **Sec. 9. 26 MRSA §1413-B, first ¶**, as enacted by PL 1995, c. 560, Pt. F, §13, is  
2 amended to read:

3           To provide the following services and information to deaf and, hard-of-hearing and  
4 late-deafened persons, the Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late  
5 Deafened shall:

6           **Sec. 10. 26 MRSA §1413-B, sub-§1**, as enacted by PL 1995, c. 560, Pt. F, §13,  
7 is amended to read:

8           **1. Provide advocacy.** Provide cooperative agreements or coordinate with agencies  
9 or community resources to provide advocacy for the rights of deaf and, hard-of-hearing  
10 and late-deafened persons in the areas of employment, education, legal aid, health care,  
11 social services, finance, housing and other personal assistance while avoiding duplication  
12 of effort in these areas;

13           **Sec. 11. 26 MRSA §1413-B, sub-§2**, as enacted by PL 1995, c. 560, Pt. F, §13,  
14 is repealed.

15           **Sec. 12. 26 MRSA §1413-B, sub-§3**, as enacted by PL 1995, c. 560, Pt. F, §13,  
16 is amended to read:

17           **3. Information and referral.** Provide information and referral services to deaf and,  
18 hard-of-hearing and late-deafened persons and their families on questions related to their  
19 disorder;

20           **Sec. 13. 26 MRSA §1413-B, sub-§4**, as enacted by PL 1995, c. 560, Pt. F, §13,  
21 is amended to read:

22           **4. Develop objectives.** Develop a plan with goals and objectives for development,  
23 planning and implementation within a framework for greater cooperation and  
24 coordination among agencies and organizations now serving or having the potential to  
25 serve deaf and, hard-of-hearing and late-deafened persons;

26           **Sec. 14. 26 MRSA §1413-B, sub-§5**, as enacted by PL 1995, c. 560, Pt. F, §13,  
27 is amended to read:

28           **5. Community service center.** Continue to study the need to establish, maintain and  
29 fund at least one community service center where deaf and, hard-of-hearing and late-  
30 deafened persons and their families can receive pertinent information relating to the  
31 coordination of services that each requires;

32           **Sec. 15. 26 MRSA §1413-B, sub-§6**, as enacted by PL 1995, c. 560, Pt. F, §13,  
33 is amended to read:

34           **6. Promote accessibility.** Promote accessibility to all governmental services for  
35 residents of the State who are deaf or, hard-of-hearing or late-deafened persons; and

36           **Sec. 16. 26 MRSA §1413-B, sub-§7**, as enacted by PL 1995, c. 560, Pt. F, §13,  
37 is amended to read:

1           7. **Recommendations.** Make recommendations to the Governor and the joint  
2 standing ~~committee~~ committees of the Legislature having jurisdiction over labor and  
3 health and human services matters with respect to modifications in existing services or  
4 establishment of additional services for deaf ~~and~~, hard-of-hearing and late-deafened  
5 persons and their families.

6           **Sec. 17. 26 MRSA §1413-C**, as enacted by PL 1995, c. 560, Pt. F, §13, is  
7 amended to read:

8           **§1413-C. Commission**

9           ~~There is established within~~ Within the Department of Labor, Bureau of Rehabilitation  
10 Services, Division of Deafness for the Deaf, Hard of Hearing and Late Deafened, ~~an~~  
11 ~~advisory council consisting~~ the Commission for the Division for the Deaf, Hard of  
12 Hearing and Late Deafened as established under Title 5, section 12004-J, subsection 17,  
13 consists of 24 members and 3 members-at-large appointed by the ~~Director of the Bureau~~  
14 ~~of Rehabilitation Services in conjunction with the Director of the Division of Deafness~~  
15 Governor and representing equally consumers, professionals and the public. Members  
16 are entitled to compensation in accordance with Title 5, chapter 379.

17           ~~The Director of the Bureau of Rehabilitation Services, in conjunction with the~~  
18 ~~Director of the Division of Deafness,~~ commission shall appoint, from the ~~advisory~~  
19 ~~council~~ its membership, a chair and vice-chair to serve 2-year terms. The ~~council~~  
20 commission shall meet at the call of the chair but not less than 4 times during a calendar  
21 year. The chair may delegate duties to members to carry out the functions of the ~~council~~  
22 commission.

23           **Sec. 18. 26 MRSA §1413-D**, as enacted by PL 1995, c. 560, Pt. F, §13, is  
24 amended to read:

25           **§1413-D. Commission; powers and duties**

26           ~~The advisory council~~ commission shall advise the Director of the Bureau of  
27 Rehabilitation Services and shall prepare an annual report, which is a public document to  
28 the extent that it complies with section 1412. The report must include, but is not limited  
29 to:

30           1. **Review.** Review of the status of services to deaf ~~and~~, hard-of-hearing and late-  
31 deafened persons;

32           2. **Recommendations.** Recommendations for priorities for the development and  
33 coordination of services to deaf ~~and~~, hard-of-hearing and late-deafened persons;

34           3. **Evaluation.** An evaluation of the progress made as the result of recommendations  
35 made in the preceding report of the chair;

36           4. **Statement of goals.** A statement of goals for activities of the division during the  
37 subsequent fiscal year; and



1           **5. Implementation of functions.** The steps to be taken by the division to implement  
2 the functions listed in section 1413-B.

3           **Sec. 19. 26 MRSA §1413-E**, as enacted by PL 1995, c. 560, Pt. F, §13, is  
4 amended to read:

5           **§1413-E. Director of the Division for the Deaf, Hard of Hearing and Late Deafened**

6           **1. Director.** The Director of the Bureau of Rehabilitation Services shall appoint the  
7 Director of the Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened,  
8 who is responsible for administering the Division of ~~Deafness~~ for the Deaf, Hard of  
9 Hearing and Late Deafened and its programs and policies, including generating and  
10 seeking out financial aid, grants and money.

11           **2. Director of the Division for the Deaf, Hard of Hearing and Late Deafened;**  
12 **staff; qualifications.** The Director of the Division of ~~Deafness~~ for the Deaf, Hard of  
13 Hearing and Late Deafened and the staff must be knowledgeable of the needs of the deaf  
14 ~~and~~ hard of hearing and late deafened and possess the ability to communicate on a  
15 meaningful basis with those persons.

16           **Sec. 20. 26 MRSA §1419, sub-§1, ¶F** is enacted to read:

17           F. "Late deafened" means that the sense of hearing of an individual is nonfunctional  
18 for the purpose of communication and that the individual must depend primarily upon  
19 visual communication. The loss of the sense of hearing for a late deafened individual  
20 occurs after the development of speech and language.

21           **Sec. 21. 26 MRSA §1419-A**, as amended by PL 2007, c. 224, §§1 and 2, is  
22 further amended to read:

23           **§1419-A. Specialized customer communications equipment for persons with**  
24 **disabilities**

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

1 Hard of Hearing and Late Deafened may draw on the Communications Equipment Fund  
2 in accordance with the communications equipment plan required under subsection 3.

3 **3. Communications equipment plan.** The Division of ~~Deafness~~ for the Deaf, Hard  
4 of Hearing and Late Deafened shall develop a plan to make specialized customer  
5 communications equipment available to deaf, hard-of-hearing, late-deafened or speech-  
6 impaired persons and persons with disabilities and to distribute money from the  
7 Communications Equipment Fund. The plan must be developed by the Division of  
8 ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened annually, not later than  
9 January 1st, in accordance with the rule-making procedures in Title 5, chapter 375. The  
10 plan must provide for the expenditure of money from the Communications Equipment  
11 Fund for the benefit of deaf, hard-of-hearing, late-deafened or speech-impaired persons  
12 and persons with disabilities for the purchase, lease, distribution, upgrading, installation,  
13 maintenance and repair of specialized customer communications equipment capable of  
14 serving their needs and may provide for expenditures for training in the use of such  
15 equipment. Persons who are profoundly deaf or speech-impaired or who have a disability  
16 so that they are unable to use the telephone for expressive or receptive communications,  
17 as verified by a written report from an otologist, an audiologist or a physician, are eligible  
18 for assistance from the Communications Equipment Fund. The plan must ensure that  
19 persons with disabilities have access to appropriate specialized customer communications  
20 equipment to meet their individual needs. The plan must include specific criteria that  
21 govern the priorities assigned to various persons who need this equipment. The criteria  
22 must take into account household income, degree of impairment, need for emergency  
23 communications, living arrangements and other factors determined relevant by the  
24 Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened. In developing  
25 the criteria, the Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened  
26 shall consult with the ~~advisory council established in section 1413-C commission~~ and  
27 other advisory councils representing the interests of persons with disabilities.

28 **4. Specialized customer communications equipment needs in public school**  
29 **system.** The Department of Education, in consultation with the Maine Educational  
30 Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf  
31 and advocacy groups for deaf ~~and~~ hard-of-hearing and late-deafened persons and for the  
32 information technology interests of consumers, shall conduct an annual survey of all  
33 public schools in the State for the purpose of assessing the need for specialized customer  
34 communications equipment in the school system and report its findings to the joint  
35 standing committee of the Legislature having jurisdiction over labor matters. The report  
36 must include: the number of deaf ~~and~~ hard-of-hearing and late-deafened students and  
37 their needs for specialized customer communications equipment; the availability of  
38 specialized customer communications equipment; the number of requests for specialized  
39 customer communications equipment; and the status of training for teachers and other  
40 school personnel in the use of specialized customer communications equipment.

41 **6. Emergency alert telecommunications service.** A person who has been certified  
42 by the Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened as being  
43 deaf ~~or~~ hard-of-hearing or late-deafened and has an income of less than 135% of the  
44 federal poverty level must receive a discount of up to \$10 per month in the service charge  
45 for any wireless communications device or 2-way pager that is used to receive emergency

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

17 **Sec. 22.** 29-A MRSA §522, as amended by PL 2001, c. 361, §12, is further  
18 amended to read:

19 **§522. Deaf, hard-of-hearing and late-deafened persons**

20 **1. Issuance of placard.** The Secretary of State may issue a placard for deaf ~~and,~~  
21 hard-of-hearing and late-deafened persons to a person who is deaf ~~or,~~ hard-of-hearing or  
22 late deafened on receipt of a form from the Division of Deafness for the Deaf, Hard of  
23 Hearing and Late Deafened, Office Bureau of Rehabilitation Services, certified by a  
24 physician or an audiologist stating that the applicant is deaf ~~or,~~ hard-of-hearing or late  
25 deafened and can not hear or understand normal speech.

26 **2. Manner of display.** The placard must be displayed in a conspicuous location in  
27 the vehicle as near to the operator as possible without obstructing the view of the  
28 operator.

29 **3. No fee.** There is no fee for a placard issued pursuant to this section.

30 **Sec. 23.** 35-A MRSA §7302, as amended by PL 1995, c. 560, Pt. F, §15, is further  
31 amended to read:

32 **§7302. Toll-call rates for deaf, hard-of-hearing, late-deafened or speech-impaired**  
33 **persons**

34 **1. Rate reduction.** The commission shall establish a 70% rate reduction for  
35 intrastate toll calls made on lines, or via credit cards assigned to lines, used for making  
36 calls from certified deaf, hard-of-hearing, late-deafened or speech-impaired persons who  
37 must rely on teletypewriters for residential telephone communications. In addition, the  
38 70% rate reduction must apply to all calls using the state telecommunications relay  
39 service. Upon request, this discount must be provided to any noncertified user making  
40 calls to a certified user, provided the noncertified user informs the local exchange carrier  
41 or toll provider of the relevant billed calls made during each billing period. This

1 reduction must also apply to intrastate toll calls made by agencies certified by the  
2 Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened in the Department  
3 of Labor as eligible to receive a discount, while providing vocal relay services to deaf,  
4 hard-of-hearing, late-deafened or speech-impaired persons, as well as to community  
5 service centers serving deaf, hard-of-hearing, late-deafened or speech-impaired persons  
6 certified by the Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened of  
7 the Department of Labor as eligible to receive a discount. The costs incurred by a  
8 telephone company under this subsection are just and reasonable expenses for rate-  
9 making purposes.

10 **2. Customers qualifying for the reduction.** To qualify for the reduction, a  
11 customer must file an affidavit, on a form approved by the Public Utilities Commission,  
12 with the telephone utility, stating that, due to deafness, hearing impairment or speech  
13 impairment, the customer or a member of the household must rely on a teletypewriter for  
14 telephone communications and that the equipment is connected or acoustically coupled to  
15 the customer's telephone.

16 **Sec. 24. 35-A MRSA §7505, sub-§1,** as corrected by RR 1995, c. 1, §30, is  
17 amended to read:

18 **1. State buildings.** The Department of Administrative and Financial Services shall  
19 require the installation and maintenance of telecommunication devices for  
20 communication for the deaf, ~~hard-of-hearing~~ hard of hearing, late deafened and speech-  
21 impaired who rely on those devices for telephone communications in locations accessible  
22 to the public in state buildings where a primary function is the delivery of service to the  
23 general public in accordance with a plan developed by the Department of Administrative  
24 and Financial Services, Bureau of Information Services and the Department of ~~Education~~  
25 Labor, Office Bureau of Rehabilitation Services.

26 **Sec. 25. 35-A MRSA §7505, sub-§5,** as amended by PL 1993, c. 708, Pt. J, §11,  
27 is further amended to read:

28 **5. Devices.** The requirements of this section may be satisfied by installation of  
29 telecommunication typewriters, including so-called telecommunication devices for the  
30 deaf, or other devices approved by the Department of ~~Education~~ Labor, Office Bureau of  
31 Rehabilitation Services, Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late  
32 Deafened.

33 **Sec. 26. 35-A MRSA §8704, sub-§1, ¶A,** as amended by PL 2001, c. 377, §3, is  
34 further amended to read:

35 A. The Director of the Division of ~~Deafness~~ for the Deaf, Hard of Hearing and Late  
36 Deafened, Bureau of Rehabilitation Services, Department of Labor, or a designee;

37 **Sec. 27. 35-A MRSA §8704, sub-§1, ¶B,** as enacted by PL 1989, c. 851, §7, is  
38 amended to read:

39 B. The ~~Chair~~ chair of the ~~Advisory Committee to~~ Commission for the Division of  
40 ~~Deafness~~ for the Deaf, Hard of Hearing and Late Deafened established by Title 5,  
41 section ~~12004-I~~ 12004-J, subsection 40 17, or a designee;

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**Sec. 28. Transition provisions.**

1. The Commission for the Division for the Deaf, Hard of Hearing and Late Deafened, established pursuant to the Maine Revised Statutes, Title 5, section 12004-J, subsection 17, is the successor in every way to the functions and duties of the former Advisory Council to Division of Deafness, as established pursuant to Title 5, section 12004-I, subsection 54-B.

2. All records, property and equipment previously belonging to or for the use of the former Advisory Council to Division of Deafness become part of the property of the Commission for the Division for the Deaf, Hard of Hearing and Late Deafened.

3. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the former Advisory Council to Division of Deafness may be utilized by the Commission for the Division for the Deaf, Hard of Hearing and Late Deafened until existing supplies of these items are exhausted.

**Sec. 29. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 19, subchapter 2, article 2, in the article headnote, the words "division of deafness" are amended to read "division for the deaf, hard of hearing and late deafened" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 30. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 19, subchapter 2, article 8, in the article headnote, the words "deaf and hard-of-hearing persons" are amended to read "deaf, hard-of-hearing and late-deafened persons" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**SUMMARY**

This bill changes the name of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services to the Division for the Deaf, Hard of Hearing and Late Deafened. The bill also defines "late deafened" and "late-deafened person" and corrects cross-references that are affected by the name change.