

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1872

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H.P. 1305

House of Representatives, March 20, 2018

### **An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council**

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Reported by Representative BERRY of Bowdoinham for the Joint Standing Committee on Energy, Utilities and Technology pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

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

2 **Sec. 1. 3 MRSA §959, sub-§1, ¶P**, as amended by PL 2017, c. 255, §1, is further  
3 amended to read:

4 P. The joint standing committee of the Legislature having jurisdiction over utilities  
5 and energy matters shall use the following list as a guideline for scheduling reviews:

- 6 (1) Public Advocate in 2019;
- 7 (2) Board of Directors, Maine Municipal and Rural Electrification Cooperative  
8 Agency in 2015;
- 9 (3) Public Utilities Commission, including the Emergency Services  
10 Communication Bureau, in 2021; and
- 11 (5) Telecommunications Relay Services ~~Advisory~~ Council in 2017.

12 **Sec. 2. 5 MRSA §12004-G, sub-§30-C**, as enacted by PL 2005, c. 605, §3, is  
13 amended to read:

14 **30-C.**

15	Public Utilities	Telecommunica-	<del>Not Authorized</del>	35-A MRSA §8704
16		tions Relay Services	<u>Some Expenses</u>	
17		<del>Advisory</del> Council		

18 **Sec. 3. 35-A MRSA §7104, sub-§7**, as amended by PL 2011, c. 623, Pt. B, §16,  
19 is further amended to read:

20 **7. Telecommunications relay services support.** In order to ensure the affordability  
21 of telecommunications relay services throughout the State, the commission shall establish  
22 funding support for telecommunications relay services, including related outreach  
23 programs, within the state universal service fund established pursuant to subsection 3.

24 A. In establishing the total level of support for the state universal service fund, the  
25 commission shall include funding levels for telecommunications relay services as  
26 ~~recommended requested~~ by the Telecommunications Relay Services ~~Advisory~~  
27 Council, as established in section 8704, ~~unless the commission determines, upon its~~  
28 ~~own motion or upon the request of a voice network service provider, that the~~  
29 ~~recommended funding levels may be unreasonable. If the commission determines~~  
30 ~~that the funding levels may be unreasonable, the commission shall open a proceeding~~  
31 ~~to determine a reasonable funding level for telecommunications relay services,~~  
32 ~~including related outreach programs. Upon the conclusion of the proceeding, the~~  
33 ~~commission shall establish funding support for telecommunications relay services,~~  
34 ~~including related outreach programs, that it has found to be reasonable within the~~  
35 ~~state universal service fund. pursuant to the submission of an annual budget in~~  
36 ~~accordance with section 8704, subsection 6. The commission shall transfer funds~~  
37 ~~requested by the council, up to a maximum of \$600,000 annually, to the~~  
38 Telecommunications Relay Services Council Fund established in section 8704,

1 subsection 2-A. The commission shall require contributions to the state universal  
2 service fund on a quarterly basis to meet the established funding support levels.

3 ~~B. In determining reasonable funding levels for telecommunications relay services,~~  
4 ~~including related outreach programs, the commission may consider whether the~~  
5 ~~recommended funding is for telecommunications relay services, including related~~  
6 ~~outreach programs, that are:~~

7 (1) ~~Federally required services;~~

8 (2) ~~Services provided in other states with a similar deaf, hard-of-hearing and~~  
9 ~~speech impaired population as this State; or~~

10 (3) ~~Services that are designed to maximize the effectiveness of~~  
11 ~~telecommunications relay services through the application of new technologies.~~

12 **Sec. 4. 35-A MRSA §8702, sub-§1**, as enacted by PL 1989, c. 851, §7, is  
13 amended to read:

14 **1. Council.** ~~"Advisory council"~~ "Council" means the Telecommunications Relay  
15 Services ~~Advisory~~ Council.

16 **Sec. 5. 35-A MRSA §8703, sub-§§4 and 8**, as enacted by PL 1989, c. 851, §7,  
17 are amended to read:

18 **4. Blockage level.** The allowable blockage level for the telecommunications relay  
19 services must be reasonable. Complaints relating to the reasonableness of the blockage  
20 level may be brought to the commission by the ~~advisory~~ council or by 10 or more  
21 aggrieved persons pursuant to section 1302, subsection 1.

22 **8. Council.** The providers of telecommunications relay services must take into  
23 consideration any comments from the ~~advisory~~ council.

24 **Sec. 6. 35-A MRSA §8704**, as amended by PL 2015, c. 398, §1, is further  
25 amended to read:

26 **§8704. Council**

27 The Telecommunications Relay Services ~~Advisory~~ Council, as established by Title 5,  
28 section 12004-G, subsection 30-C, shall evaluate telecommunications relay services in  
29 this State and ~~provide advice to providers of telecommunications relay services~~  
30 implement the Maine telecommunications relay services program as certified by the  
31 Federal Communications Commission pursuant to 47 Code of Federal Regulations, Part  
32 64, Subpart F.

33 **1. Membership.** The ~~advisory~~ council consists of 12 members as follows:

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

36 B. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened  
37 established by Title 5, section 12004-J, subsection 17, or a designee;

- 1 C. One member from the Public Utilities Commission, appointed by the  
2 commissioner;
- 3 D. One member from the office of the Public Advocate, appointed by the Public  
4 Advocate; and
- 5 E. Eight members appointed by the Governor as follows:
- 6 (1) One member from the Maine Educational Center for the Deaf and Hard of  
7 Hearing and the Governor Baxter School for the Deaf;
- 8 (2) One member from a statewide association for the deaf;
- 9 (3) One member from a disability rights organization in this State;
- 10 (4) One member from the largest incumbent local exchange carrier providing  
11 telecommunications relay service in this State;
- 12 (5) One member of a telephone association in this State, except that the  
13 representative under this subparagraph may not be a representative of the carrier  
14 under subparagraph (4);
- 15 (6) Two members from the general public who use telecommunications devices  
16 for the deaf that operate in connection with telecommunications relay services as  
17 their primary means of telecommunications; and
- 18 (7) One member representing a company that provides telecommunications relay  
19 services through the Internet, wireless telecommunications or cable  
20 telecommunications.

21 **2. Compensation.** ~~Compensation is not authorized. Members of the council are not~~  
22 ~~authorized to receive payment or reimbursement for attendance or participation in regular~~  
23 ~~meetings of the council, including but not limited to per diem compensation and mileage~~  
24 ~~costs. The council is authorized to reimburse members and individuals designated by the~~  
25 ~~council for costs associated with participation in conferences regarding~~  
26 ~~telecommunications relay services and telecommunications devices for the deaf or~~  
27 ~~technologies for the deaf and hard of hearing.~~

28 **2-A. Telecommunications Relay Services Council Fund.** The Telecommunications  
29 Relay Services Council Fund, referred to in this section as "the fund," is established as a  
30 nonlapsing fund to fund the activities of the council in accordance with this section. The  
31 fund receives funds transferred by the commission in accordance with section 7104,  
32 subsection 7. No more than \$600,000 may be transferred into the fund annually.

33 **2-B. Meeting costs.** The council is authorized to pay for costs associated with  
34 scheduled meetings of the council or any meeting of a duly authorized subcommittee of  
35 the council, including costs associated with a venue, refreshments, interpreters for  
36 meeting attendees and transcription services.

37 **3. Technical assistance.** ~~The commission shall provide technical assistance to the~~  
38 ~~advisory council.~~

1           **4. Appointment of chair and vice-chair.** ~~The~~ Every 2 years, the members shall  
2 annually elect a chair and a vice-chair from among the membership. The vice-chair shall  
3 serve as acting chair in the absence of the chair. The council shall meet at the call of the  
4 chair but no fewer than 4 times during the calendar year. The chair may delegate, as  
5 necessary, duties to members of the council, either individually or through the formation  
6 of subcommittees, to carry out the functions of the council.

7           **5. Powers and duties.** The ~~advisory~~ council shall evaluate telecommunications  
8 relay services in this State and shall ~~advise providers of telecommunications relay~~  
9 ~~services regarding telecommunications relay service matters,~~ implement the Maine  
10 telecommunications relay services program as certified by the Federal Communications  
11 Commission pursuant to 47 Code of Federal Regulations, Part 64, Subpart F. In  
12 implementing the state program, the council shall develop and execute programs and  
13 policies as necessary, including, but not limited to, the development of training standards  
14 and an evaluation of the ~~service services~~ being provided, including the quality and  
15 availability of ~~that service~~ those services. The ~~advisory council may enter into contracts~~  
16 ~~with telecommunications relay service providers for the purpose of providing~~  
17 ~~telecommunications relay services.~~

18           A. The council may enter into one or more contracts with telecommunications relay  
19 services providers for the purpose of providing intrastate telecommunications relay  
20 services. Notwithstanding any law to the contrary, the council shall choose one or  
21 more telecommunications relay services providers to provide intrastate  
22 telecommunications relay services through a bidding process developed in  
23 consultation with the division of purchases within the Department of Administrative  
24 and Financial Services, Bureau of General Services to be held no less than once every  
25 5 years. The bidding process must ensure a process that recognizes the unique nature  
26 and limited number of telecommunications relay services providers.

27           B. The council may enter into agreements with one or more entities to work with the  
28 telecommunications relay services providers to encourage use of telecommunications  
29 relay services. Notwithstanding any law to the contrary, the council, in consultation  
30 with the division of purchases within the Department of Administrative and Financial  
31 Services, Bureau of General Services shall develop a process for entering into such  
32 agreements that recognizes the limited number of entities providing the services  
33 sought by the council. Any agreement established under this paragraph may include  
34 compensation for outreach services that encourage the use of telecommunications  
35 relay services.

36           C. The council may organize and fund projects designed to promote the use of  
37 telecommunications relay services, including but not limited to surveys, public  
38 forums and events.

39           D. The council may develop, administer and fund pilot projects to provide access to  
40 telecommunications relay services.

41           **6. Council budget.** The council shall prepare and submit to the commission an  
42 annual budget of the projected costs of the council under this section for the coming fiscal  
43 year. The annual budget may not exceed \$600,000. The annual budget must be  
44 submitted to the commission and the commission shall transfer funds to meet the

1 council's budgeted costs to the fund established in subsection 2-A and pursuant to section  
2 7104, subsection 7.

### 3 **SUMMARY**

4 This bill is reported out by the Joint Standing Committee on Energy, Utilities and  
5 Technology pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 to  
6 implement the recommendations made by the Telecommunications Relay Services  
7 Advisory Council in its report provided to the committee pursuant to the State  
8 Government Evaluation Act.

9 This bill does the following:

10 1. It changes the name of the Telecommunications Relay Services Advisory Council  
11 to the Telecommunications Relay Services Council;

12 2. It establishes the Telecommunications Relay Services Council Fund;

13 3. It allows members and individuals to be reimbursed for costs associated with  
14 participation in conferences related to telecommunications relay services and  
15 telecommunications devices or technologies for the deaf and hard of hearing;

16 4. It removes the requirement that the Public Utilities Commission provide technical  
17 assistance to the council;

18 5. It allows the council to pay costs associated with scheduled meetings;

19 6. It explicitly defines duties of the council to include the ability to contract for  
20 intrastate telecommunications relay services and outreach services, to organize and fund  
21 projects to promote the use of telecommunications relay services and to develop,  
22 administer and fund pilot projects to provide access to telecommunications relay services;  
23 and

24 7. It changes the funding of the council to require that the council develop a yearly  
25 budget not to exceed \$600,000 instead of requiring that the commission determine the  
26 funding level for the council and requires that the budget amount be transferred by the  
27 commission into the Telecommunications Relay Services Council Fund.