

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Augusta, Maine**  
**2009**

and to seek ~~satisfaction~~ a solution through other means, including a lawsuit ( ); or

(3) Mediation, ~~with in which~~ the parties ~~agreeing to enter into good faith negotiations~~ negotiate through a neutral mediator in ~~order to attempt an effort~~ to resolve their differences in advance of filing a lawsuit ( );

See title page for effective date.

**CHAPTER 174**

**H.P. 599 - L.D. 868**

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

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

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

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

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

- A. "Advocate" means a person who is not a lawyer and who provides to the public advice or other substantive legal work that is not prohibited by law or regulation.
- B. "Agency" means any authority, board, bureau, commission, department or officer of State Government or of any county, municipality, school district or any other political or administrative subdivision.
- C. "Bureau" means the Department of Labor, Bureau of Rehabilitation Services.
- D. "CART" means computer-assisted real-time transcription using specialized equipment to transcribe real time word-for-word spoken English into written English that can be viewed on a computer screen or projected onto a large screen.
- E. "CART provider" means a person who provides CART.
- F. "Client" means a deaf person, a hard-of-hearing person, a late-deafened person or a hearing person who is provided interpreting services by a privileged interpreter.
- G. "Confidential communication" means a communication that a client has a reasonable expectation is not being disclosed to persons other than a

privileged interpreter and any client to whom the communication is intended to be made.

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

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

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

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

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

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

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

- (1) Is a hearing person who:
  - (a) Holds a current Specialist Certificate: Legal from the Registry of Interpreters for the Deaf, Inc. or its successor;
  - (b) Satisfies the eligibility criteria for taking the exam for the specialist certificate described in division (a) as long as, by January 1, 2012, that person obtains the specialist certificate described in division (a); or
  - (c) Is included on the bureau's list of qualified interpreters on the effective date of this section, as long as that person, by January 1, 2006, meets the eligibility criteria for taking the exam for the specialist certificate described in division (a) and, by January 1, 2012, obtains the

specialist certificate described in division (a); or

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

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

**2. Interpreter services or CART required for agency or court proceedings.** When any personal or property interest of a deaf person ~~or~~ hard-of-hearing person or late-deafened person or of a minor whose parent or guardian is a deaf person ~~or~~ hard-of-hearing person or late-deafened person is the subject of a proceeding before any agency or court, the presiding officer of the proceeding shall appoint a qualified legal interpreter or CART provider.

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

B. If a qualified legal interpreter appointed under this subsection for the deaf person ~~or~~ hard-of-hearing person or late-deafened person states that the interpretation is not satisfactory and that a qualified legal interpreter who is a deaf person ~~or~~ a hard-of-hearing person or a late-deafened person will improve the quality of interpretation, the presiding officer shall appoint a qualified legal interpreter who is a deaf person ~~or~~ a hard-of-hearing person or a late-deafened person to assist the qualified legal interpreter.

C. The presiding officer shall appoint as many qualified legal interpreters under this subsection as are necessary to meet the needs of the deaf person ~~or~~ hard-of-hearing person or late-deafened person.

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

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

**3. Interpreting services or CART for consultation with appointed attorneys.** When a court appoints an attorney to represent a deaf person ~~or~~ hard-of-hearing person or late-deafened person or to represent a juvenile whose parent or guardian is a deaf person ~~or~~ hard-of-hearing person or late-deafened person, the court shall provide interpreting services or CART in accordance with this subsection to allow for effective consultation between the attorney and client. Interpreting services or CART provided under this subsection must be paid for directly by the court and is not the responsibility of the attorney.

**4. Legal interpreting fund for services of attorneys and advocates, generally.** The bureau shall maintain a legal interpreting fund, which must be used to reimburse private attorneys and advocates for the cost of interpreting services or CART that assists the attorney or advocate in effectively representing deaf persons ~~or~~ hard-of-hearing persons or late-deafened persons in cases in which subsection 3 does not apply. This fund may not be used to cover interpreting services or CART for actual proceedings pursuant to subsection 2.

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

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

whom the qualified legal interpreter is appointed, and that the qualified legal interpreter will repeat the statements of the person in the English language to the best of the qualified legal interpreter's ability.

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

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

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

**17.**

Labor: Rehabilita- tion Services	Commission for the Division for the Deaf, Hard of Hearing and Late Deaf- ened	Expenses Only	26 MRSA §1413-C
---	--	------------------	--------------------

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

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

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

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

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

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

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

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

**5. Late deafened.** "Late deafened" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that the indi-

vidual must depend primarily upon visual communication. The loss of the sense of hearing for a late-deafened individual occurs after the development of speech and language.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**§1413-C. Commission**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**2. Communications Equipment Fund.** There is established the Communications Equipment Fund to be used by the Division ~~of Deafness for the Deaf, Hard of Hearing and Late Deafened~~ within the Bureau of Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the universal service fund pursuant to Title 35-A, section 7104. The Division ~~of Deafness for the Deaf, Hard of Hearing and Late Deafened~~ may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds

transferred from the universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and authorized appropriations must be deposited in the Communications Equipment Fund and disbursed in accordance with this section. The Communications Equipment Fund may be used for purchase, lease, distribution, upgrading, installation, maintenance and repair of specialized customer communications equipment for deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities, for training in the use of such equipment and for administrative costs associated with these uses of the fund, except that funds received for the purposes of subsection 6 pursuant to Title 35-A, section 7104 may be used only in accordance with subsection 6. The Division of Deafness for the Deaf, Hard of Hearing and Late Deafened may draw on the Communications Equipment Fund in accordance with the communications equipment plan required under subsection 3.

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

1413-C commission and ~~other~~ advisory councils representing the interests of persons with disabilities.

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

**6. Emergency alert telecommunications service.** A person who has been certified by the Division of Deafness for the Deaf, Hard of Hearing and Late Deafened as being deaf ~~or~~, hard-of-hearing or late-deafened and has an income of less than 135% of the federal poverty level must receive a discount of up to \$10 per month in the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency or a discount equal to the monthly service charge for any one-way pager that is used to receive emergency alerts issued by any state or federal agency. A person using a wireless communications device or 2-way pager must receive a \$10 discount except when the service charge for the wireless communications device or 2-way pager is less than \$10 per month, in which case the person must receive a discount equal to the service charge for the wireless communications device or 2-way pager. A company required to provide the discount is entitled to recover amounts discounted from the Communications Equipment Fund established in subsection 2. The Bureau of Rehabilitation Services shall adopt rules to establish the process for certifying eligibility with the Division of Deafness for the Deaf, Hard of Hearing and Late Deafened and for the process to be used by wireless and paging companies in recovering discounted revenue from the Communications Equipment Fund. Administrative costs associated with implementing this subsection may be paid from funds provided to the Communications Equipment Fund for the purposes of this subsection pursuant to Title 35-A, section 7104. Rules adopted pursuant to this subsection are routine techni-

cal rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

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

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

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

**Sec. 23. 35-A MRSA §7302**, as amended by PL 2009, c. 68, §§1 to 3, is further amended to read:

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

**1. Rate reduction.** The commission shall establish a 70% rate reduction for usage-sensitive intrastate toll calls made on lines, or via credit cards assigned to lines, used for making calls from certified deaf, hard-of-hearing, late-deafened or speech-impaired persons who must rely on telecommunications devices for the deaf for residential telephone communications. In addition, the 70% rate reduction must apply to all usage-sensitive intrastate toll calls using the state telecommunications relay service. Upon request, this discount must be provided to any noncertified user making calls to a certified user, provided the noncertified user informs the intrastate toll provider of the relevant billed calls made during each billing period. This reduction must also apply to intrastate toll calls made by agencies certified by the Division of ~~Deafness for the Deaf, Hard of Hearing and Late Deafened~~ in the Department of Labor as eligible to receive a discount, while providing vocal relay services to deaf, hard-of-hearing, late-deafened or speech-impaired persons, as well as to community service centers serving deaf, hard-of-hearing, late-deafened or speech-impaired persons certified by the Division of ~~Deafness for the Deaf, Hard of Hearing and Late Deafened~~ of the Department of Labor as eligible to receive a discount. The costs incurred by an intrastate toll provider under this subsection are just and reasonable expenses for rate-making purposes.

**2. Customers qualifying for the reduction.** To qualify for the reduction, a customer must file an affidavit, on a form approved by the commission, with the customer's intrastate toll provider, stating that, due to deafness, hearing impairment or speech impairment, the customer or a member of the household must rely on a telecommunications device for the deaf for telecommunications.

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

A. "Deaf person" has the same meaning as in section 8702, subsection 3.

B. "Hard-of-hearing person" has the same meaning as in section 8702, subsection 3-A.

C. "Speech-impaired person" has the same meaning as in section 8702, subsection 5.

D. "Telecommunications device for the deaf" has the same meaning as in section 8702, subsection 6.

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

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

**Sec. 25. 35-A MRSA §7505, sub-§5**, as amended by PL 2009, c. 68, §4, is further amended to read:

**5. Devices.** The requirements of this section may be satisfied by installation of telecommunications devices for the deaf as defined in section 8702, subsection 6, or other devices approved by the Department of Labor, Bureau of Rehabilitation Services, Division of ~~Deafness for the Deaf, Hard of Hearing and Late Deafened~~.

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

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



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

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

**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.

See title page for effective date.

**CHAPTER 175  
H.P. 583 - L.D. 847**

**An Act Authorizing Statewide Mutual Aid among First Responder Agencies**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergency; and

**Whereas,** the Maine First Responders State-wide Mutual Aid Agreement can provide emergency services to any part of the State whenever they are needed; and

**Whereas,** emergencies affecting multiple communities can happen at any time; and

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

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

**Sec. 1. 37-B MRSA §784-B** is enacted to read:

**§784-B. Maine First Responders State-wide Mutual Aid Agreement**

All political subdivisions within the State are covered by the Maine First Responders State-wide Mutual Aid Agreement, dated November 2008, as drafted by the agency and referred to in this section as "the agreement," except that a political subdivision may withdraw from the agreement by enacting a local ordinance that withdraws from the agreement.

A local first responder agency may provide emergency management, fire, law enforcement, emergency medical, public works and other emergency services as necessary upon the request of any political subdivision within the State in accordance with the agreement. Additional preexisting contracts or agreements with the jurisdiction requesting the services are not required.

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

Effective May 19, 2009.

**CHAPTER 176  
H.P. 562 - L.D. 826**

**An Act To Protect Recreational Trails on Private Land by Exempting Certain Information on Recreational Trails from the Definition of "Public Records"**

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