

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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 or speech-impaired persons who must rely on teletypewriter 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 ~~local exchange carrier or~~ 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 in the Department of Labor as eligible to receive a discount, while providing vocal relay services to deaf, hard-of-hearing or speech-impaired persons, as well as to community service centers serving deaf, hard-of-hearing or speech-impaired persons certified by the Division of Deafness of the Department of Labor as eligible to receive a discount. The costs incurred by ~~a telephone company~~ an intrastate toll provider under this subsection are just and reasonable expenses for rate-making purposes.

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

2. Customers qualifying for the reduction. To qualify for the reduction, a customer must file an affidavit, on a form approved by the ~~Public Utilities Commission~~ commission, with the ~~telephone utility~~ 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 teletypewriter ~~for telephone communications and that the equipment is connected or acoustically coupled to the customer's telephone~~ telecommunications device for the deaf for telecommunications.

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

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

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

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

§ 8701. Findings

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

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

3-A. Hard-of-hearing person. "Hard-of-hearing person" means a person who has a hearing loss in the range of mild to profound, who uses residual hearing and who prefers to speak and listen with the help of amplification, implantable devices, assistive technology and speechreading.

Sec. 7. 35-A MRSA §8702, sub-§4, as enacted by PL 1989, c. 851, §7, is repealed.

Sec. 8. 35-A MRSA §8702, sub-§5, as enacted by PL 1989, c. 851, §7, is amended to read:

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

Sec. 9. 35-A MRSA §8702, sub-§5-A is enacted to read:

5-A. Speechreading. "Speechreading" means a technique of understanding speech by visually interpreting the movements of the lips, face and tongue with information provided by the context, language and any residual hearing.

Sec. 10. 35-A MRSA §8702, sub-§6, as enacted by PL 1989, c. 851, §7, is amended to read:

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

Sec. 11. 35-A MRSA §8702, sub-§7, as enacted by PL 1989, c. 851, §7, is amended to read:

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

Sec. 12. 35-A MRSA §8703, sub-§1, as enacted by PL 1989, c. 851, §7, is amended to read:

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

Sec. 13. 35-A MRSA §8704, sub-§1, ¶E, as amended by PL 2005, c. 279, §17, is further amended to read:

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.

Effective September 12, 2009