

CHAPTER 87

TELECOMMUNICATIONS RELAY SERVICES

§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, hard-of-hearing or speech impaired persons who use telecommunications devices for the deaf and persons using standard telephone equipment. [PL 2009, c. 68, §5 (AMD).]

SECTION HISTORY

PL 1989, c. 851, §7 (NEW). PL 2009, c. 68, §5 (AMD).

§8702. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 851, §7 (NEW).]

1. Council. "Council" means the Telecommunications Relay Services Council.
[PL 2017, c. 408, §4 (AMD).]

2. Blockage level. "Blockage level" means the proportion of placed calls that fail to reach a relay operator.
[PL 1989, c. 851, §7 (NEW).]

3. Deaf person. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication.
[PL 1989, c. 851, §7 (NEW).]

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.
[PL 2009, c. 68, §6 (NEW).]

4. Hearing impaired person.
[PL 2009, c. 68, §7 (RP).]

5. Speech impaired person. "Speech impaired person" means a person whose speech is nonfunctional or diminished for the purpose of ordinary communication.
[PL 2009, c. 68, §8 (AMD).]

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.
[PL 2009, c. 68, §9 (NEW).]

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, hard-of-hearing or speech impaired 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.
[PL 2009, c. 68, §10 (AMD).]

7. Telecommunications relay service. "Telecommunications relay service" means a service transmitting messages and information between a person using a telecommunications device for the deaf and another person.

[PL 2009, c. 68, §11 (AMD).]

SECTION HISTORY

PL 1989, c. 851, §7 (NEW). PL 2009, c. 68, §§6-11 (AMD). PL 2017, c. 408, §4 (AMD).

§8703. Requirements

Telecommunications relay services must conform to the following requirements. [PL 1989, c. 851, §7 (NEW).]

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

[PL 2009, c. 68, §12 (AMD).]

2. Temporal availability. Services must be available 24 hours a day for every calendar day of the year.

[PL 1989, c. 851, §7 (NEW).]

3. Accessibility. Relay service operators may not refuse calls or limit the length of calls.

[PL 1989, c. 851, §7 (NEW).]

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

[PL 2017, c. 408, §5 (AMD).]

5. Confidentiality. The providers of telecommunications relay services shall keep relay service communications confidential.

[PL 2015, c. 250, Pt. C, §6 (AMD).]

6. User fee prohibited. A separate fee for telecommunications relay services may not be assessed to users of the services.

[PL 1989, c. 851, §7 (NEW).]

7. Recovery of expenses and costs. The costs for telecommunications relay services must be recovered through the state universal service fund pursuant to section 7104, subsection 7.

[PL 2005, c. 305, §3 (AMD).]

8. Council. The providers of telecommunications relay services must take into consideration any comments from the council.

[PL 2017, c. 408, §5 (AMD).]

9. Restrictions. Upon request, the providers of telecommunications relay services shall make known to users of the services any restrictions on the types of calls handled such as collect calls and automated information services.

[PL 1989, c. 851, §7 (NEW).]

10. Notification of rates or charges. Upon request, the providers of telecommunications relay services shall make known to users any rates or charges for the services.

[PL 1989, c. 851, §7 (NEW).]

SECTION HISTORY

PL 1989, c. 851, §7 (NEW). PL 2005, c. 305, §3 (AMD). PL 2009, c. 68, §12 (AMD). PL 2015, c. 250, Pt. C, §6 (AMD). PL 2017, c. 408, §5 (AMD).

§8704. Council

The Telecommunications Relay Services Council, as established by Title 5, section 12004-G, subsection 30-C, shall evaluate telecommunications relay services in this State and implement the Maine telecommunications relay services program as certified by the Federal Communications

Commission pursuant to 47 Code of Federal Regulations, Part 64, Subpart F. [PL 2017, c. 408, §6 (AMD).]

1. Membership. The council consists of 11 voting members as follows:

A. The Director of the Division for the Deaf, Hard of Hearing and Late Deafened, Bureau of Rehabilitation Services, Department of Labor, or a designee; [PL 2009, c. 174, §26 (AMD).]

B. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened established by Title 5, section 12004-J, subsection 17, or a designee; [PL 2009, c. 652, Pt. A, §48 (AMD).]

C. One member from the Public Utilities Commission, appointed by the commissioners; [PL 1989, c. 851, §7 (NEW).]

C-1. One member from the Maine Connectivity Authority, as established in Title 5, section 12004-G, subsection 33-H, appointed by the president of the authority; [PL 2023, c. 182, §1 (NEW).]

D. One member from the office of the Public Advocate, appointed by the Public Advocate; and [PL 1989, c. 851, §7 (NEW).]

E. Six 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 disability rights organization in this State;

(4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State; and

(6) Two members from the general public who use telecommunications devices for the deaf that operate in connection with telecommunications relay services as their primary means of telecommunications. [PL 2023, c. 182, §1 (AMD).]

The executive director shall serve as a nonvoting member of the council in accordance with subsection 3-A, paragraph E.

[PL 2023, c. 182, §1 (AMD).]

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

[PL 2017, c. 408, §6 (AMD).]

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

[PL 2017, c. 408, §6 (NEW).]

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

[PL 2017, c. 408, §6 (NEW).]

3. Technical assistance.

[PL 2017, c. 408, §6 (RP).]

3-A. Executive director. The council shall, within its allowable annual budget established by subsection 6, hire a part-time executive director to assist in carrying out the powers and duties of the council. The executive director shall:

- A. Assist in the preparation and submission of the budget of the council required pursuant to subsection 6; [PL 2023, c. 182, §2 (NEW).]
- B. Prepare and submit the report required pursuant to subsection 8; [PL 2023, c. 182, §2 (NEW).]
- C. Assist the council with contract negotiations; [PL 2023, c. 182, §2 (NEW).]
- D. Assist the council with processing invoices; [PL 2023, c. 182, §2 (NEW).]
- E. Serve as a nonvoting member of the council; and [PL 2023, c. 182, §2 (NEW).]
- F. Perform all other duties necessary to assist the council in performing its powers and duties pursuant to subsection 5. [PL 2023, c. 182, §2 (NEW).]

[PL 2023, c. 182, §2 (NEW).]

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

[PL 2023, c. 182, §3 (AMD).]

5. Powers and duties. The council shall evaluate telecommunications relay services in this State and shall implement the Maine telecommunications relay services program as certified by the Federal Communications Commission pursuant to 47 Code of Federal Regulations, Part 64, Subpart F. In implementing the state program, the council shall develop and execute programs and policies as necessary, including, but not limited to, the development of training standards and an evaluation of the services being provided, including the quality and availability of those services.

A. The council may enter into one or more contracts with telecommunications relay services providers for the purpose of providing intrastate telecommunications relay services. Notwithstanding any law to the contrary, the council shall choose one or more telecommunications relay services providers to provide intrastate telecommunications relay services through a bidding process developed in consultation with the division of purchases within the Department of Administrative and Financial Services, Bureau of General Services to be held no less than once every 5 years. The bidding process must ensure a process that recognizes the unique nature and limited number of telecommunications relay services providers. [PL 2017, c. 408, §6 (NEW).]

B. The council may enter into agreements with one or more entities to work with the telecommunications relay services providers to encourage use of telecommunications relay services. Notwithstanding any law to the contrary, the council, in consultation with the division of purchases within the Department of Administrative and Financial Services, Bureau of General Services shall develop a process for entering into such agreements that recognizes the limited number of entities providing the services sought by the council. Any agreement established under this paragraph may include compensation for outreach services that encourage the use of telecommunications relay services. [PL 2017, c. 408, §6 (NEW).]

C. The council may organize and fund projects designed to promote the use of telecommunications relay services, including but not limited to surveys, public forums and events. [PL 2017, c. 408, §6 (NEW).]

D. The council may develop, administer and fund pilot projects to provide access to telecommunications relay services. [PL 2017, c. 408, §6 (NEW).]
[PL 2017, c. 408, §6 (AMD).]

6. Council budget. The council shall prepare and submit to the commission an annual budget of the projected costs of the council under this section for the coming fiscal year. The annual budget may not exceed \$600,000. The annual budget must be submitted to the commission and the commission shall transfer funds quarterly to meet the council's budgeted costs to the fund established in subsection 2-A and pursuant to section 7104, subsection 7.
[PL 2017, c. 408, §6 (NEW).]

7. Conflicts. A member of the council may not participate in any decision on any contract entered into by the council under this section if that member has any interest, direct or indirect, in any firm, partnership, corporation or association that is party to the contract. The interest must be disclosed to the council in writing and must be set forth in the minutes of the council.
[PL 2017, c. 408, §6 (NEW).]

8. Report. Beginning December 1, 2019 and annually thereafter, the council shall submit a report to the Public Utilities Commission that details the activities of the council, including all the expenditures the council has made from the fund and how all vendors that the council contracts with for services were selected.
[PL 2017, c. 408, §6 (NEW).]

SECTION HISTORY

PL 1989, c. 851, §7 (NEW). PL 1993, c. 708, §J12 (AMD). PL 2001, c. 377, §3 (AMD). PL 2005, c. 279, §17 (AMD). PL 2005, c. 605, §§5,6 (AMD). PL 2009, c. 68, §13 (AMD). PL 2009, c. 174, §§26, 27 (AMD). PL 2009, c. 652, Pt. A, §48 (AMD). PL 2013, c. 40, §1 (AMD). PL 2015, c. 398, §1 (AMD). PL 2017, c. 408, §6 (AMD). PL 2023, c. 182, §§1-3 (AMD).

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