

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

—
H.P. 1305 - L.D. 1872

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, provisions in this legislation relating to funding levels for telecommunications relay services need to be in place before contracts to provide telecommunication relay services are scheduled to be executed in June 2018; 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. 3 MRSA§959, sub-§1, ¶P, as amended by PL 2017, c. 255, §1, is further amended to read:

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

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

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

30-C.

Public Utilities Telecommunica- Not Authorized 35-A MRSA §8704
 tions Relay Services Some Expenses
 Advisory Council

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

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

A. In establishing the total level of support for the state universal service fund, the commission shall include funding levels for telecommunications relay services as ~~recommended~~ requested by the Telecommunications Relay Services Advisory Council, as established in section 8704, ~~unless the commission determines, upon its own motion or upon the request of a voice network service provider, that the recommended funding levels may be unreasonable. If the commission determines that the funding levels may be unreasonable, the commission shall open a proceeding to determine a reasonable funding level for telecommunications relay services, including related outreach programs. Upon the conclusion of the proceeding, the commission shall establish funding support for telecommunications relay services, including related outreach programs, that it has found to be reasonable within the state universal service fund.~~ pursuant to the submission of an annual budget in accordance with section 8704, subsection 6. The commission shall transfer funds requested by the council, up to a maximum of \$600,000 annually, in quarterly installments to the Telecommunications Relay Services Council Fund established in section 8704, subsection 2-A. The commission shall require contributions to the state universal service fund on a quarterly basis to meet the established funding support levels.

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

- ~~(1) Federally required services;~~
- ~~(2) Services provided in other states with a similar deaf, hard-of-hearing and speech impaired population as this State; or~~
- ~~(3) Services that are designed to maximize the effectiveness of telecommunications relay services through the application of new technologies.~~

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

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

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

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 ~~advisory~~ council or by 10 or more aggrieved persons pursuant to section 1302, subsection 1.

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

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

§8704. Council

The Telecommunications Relay Services ~~Advisory~~ Council, as established by Title 5, section 12004-G, subsection 30-C, shall evaluate telecommunications relay services in this State and ~~provide advice to providers of telecommunications relay services~~ 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.

1. Membership. The ~~advisory~~ council consists of 12 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;
- 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;
- C. One member from the Public Utilities Commission, appointed by the commissioners;
- D. One member from the office of the Public Advocate, appointed by the Public Advocate; and
- 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 disability rights organization in this State;
 - (4) One member from 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 use telecommunications devices for the deaf that operate in connection with telecommunications relay services as their primary means of telecommunications; and

(7) One member representing a company that provides telecommunications relay services through the Internet, wireless telecommunications or cable telecommunications.

2. Compensation. ~~Compensation is not authorized.~~ 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.

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.

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.

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

4. Appointment of chair and vice-chair. ~~The~~ Every 2 years, the members shall ~~annually~~ 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.

5. Powers and duties. ~~The advisory council shall evaluate telecommunications relay services in this State and shall advise providers of telecommunications relay services regarding telecommunications relay service matters, 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 service services being provided, including the quality and availability of that service those services. The advisory council may enter into contracts with telecommunications relay service providers for the purpose of providing telecommunications relay 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.

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.

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.

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

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.

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.

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.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

TELECOMMUNICATIONS RELAY SERVICES COUNCIL

Telecommunications Relay Services Council Fund N288

Initiative: Provides allocations for the annual budget for the Telecommunications Relay Services Council.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$150,000	\$600,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$150,000</u>	<u>\$600,000</u>

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