

1. Portland Disability Advisory Committee

Documents:

[DISABILITY NOTES 4.5.17.PDF](#)

[CAPTIONS ON PORTLAND NOTES.PDF](#)

[MD SB68FACTSHEET.PDF](#)

[PORTLAND OR CLOSED CAPTIONING ON TELEVISIONS IN PUBLIC AREAS ADD PCC 23.01.075 ORDINANCE.PDF](#)

[CAPTIONS ON PORTLAND POWERPOINT.PDF](#)



Present: Graeme Bock, Tania Tonos (Homeless Voices for Justice), Jim Devine (Homeless Voices for Justice), Haley Pass, Kayla Moore (STRIVE), Michelle Ames (Disability Rights Maine), Mary Mancini, Lisette Belanger, Sandra Bishop, Bud Buzzell, Jessica Russell, Gina Tapp (HR Director), Meryl Troop (Disability Rights Maine and Presenter), Karen Perry, John LeMieux, Karen McPhee (Recreation), and Stephanie Meyer (Interpreter).

Introductions were made and the sign-in sheet was circulated. Some attendees opted not to sign in.

1. The minutes of the last meeting (February 1, 2017) were moved by Bud Buzzell and seconded by Lizette Belanger. The group voted to accept the minutes. No meeting was held in March.
2. Gina introduced the guest speaker, Meryl Troop of Disability Rights Maine, who spoke to the group regarding the issue of Closed Captioning and a request to the group to raise the issue of its importance before the Portland City Council. Meryl had a few handouts for the group membership (these will be attached to the minutes).
 - a. Meryl requested that the group bring a proposal or voice their concerns to the council that all TVs in public places in Portland (including restaurants, public transportation sites, doctors and other providers' offices, gyms, hotel lobbies, and hospitals) be turned on for closed captioning. This will allow individuals with hearing loss and/or who are deaf to have the ability to read important information when broadcasted, such as weather and emergency alerts. It is important that people with hearing impairments know what is going on in their community.

- b. All 1993 TVs and those made after that date have the ability to have closed captioning in place. A question was asked, “Can we ask the places to put this on?” The bill (ordinance) would not require that a TV that is off be turned on. If the TV is on, then the bill would require that the closed captioning be turned on.
- c. There is no cost to the site where the TV is located. It is important to help others who are learning to read, learn English, and/or who are waiting in a noisy area to know what is going on with regard to emergencies or weather.
- d. Meryl would like to have a lot of support for the disabled of the community. Maine Medical Center has all their TVs on with captioning.
- e. Meryl asked the group what other agencies or groups should be contacted to help with this proposal request to the city council in support of drafting a close captioning ordinance. She would like some support from this committee, and noted that some members and/or their organizations may need to check with their administrators to be sure that they can become involved in this proposal. Committee members can bring back their findings to the committee to share at the next meeting.
- f. Those present said they would do that and come back to the group to share their findings. Meryl mentioned that places like the art museum and the movie theatres have some hearing devices but also some different laws for captioning.
- g. Some discussion continued with suggestions from the group:
 - i. Portland Downtown – Karen Perry will contact
 - ii. Portland Regional Chamber of Commerce
 - iii. Portland Art Museum
 - iv. Southern Maine Agency on Aging
 - v. Florence House, Logan Place, and Preble Street shelters
 - vi. Outreach groups - teens
 - vii. AARP
 - viii. Portland Jetport
 - ix. Public Transportation Center
- h. Many other states (the state of Maryland; Portland, Oregon) already have captioning ordinances and laws in place.
- i. There are fines in place if the TV is on and captioning is off (\$50-\$500).

- j. This would be a step in the right direction for a variety of people. Meryl suggests that members go to various public places and can see if the captioning is on, or if the sites could put them on.
 - k. Comment by John – sports bars may have captioning on a few TVs but maybe not all TVs. The captioning may take away from the sports action or scores. Meryl suggests that at least one or so TVs have the captioning on.
 - l. Gina suggested that a proposal be made by the group and see which City Council committee would be the most appropriate to hear the committee's recommendation and understand the importance of an ordinance like this.
 - m. John asked about the enforcement of this ordinance – who would do it and would some cost be enforced if approved.
 - n. Jim noted that it is important to have the committee help set the policy.
 - o. John stated that the committee should anticipate questions and concern from the council. The reason for such an ordinance is that it is in the best interest of the city and its citizens. The cost may be minimal but finding out who would be responsible for enforcing the code is important.
 - p. Meryl concluded her presentation by stating that she is looking forward to working with the committee on this proposal.
3. Gina thanked Meryl for her presentation and stated that this is an important issue brought to our attention by Michelle.
4. Gina addressed the group regarding the application for membership for the city's upgraded membership process for the future makeup of the committee. There were 15 applicants received by the city manager and these are being reviewed. The city budget is also being reviewed at this time and taking some time away from the process but it is moving along. If there are any other individuals who wish to apply, Gina encouraged the group to let them know and to put in their application very soon.
5. Gina also informed the group that the new Workforce and Diversity hire was complete. Amanda Levine will be coming to the May meeting. She will be taking over the responsibilities of the committee from Karen in June.

6. New Business – Jim shared that Homeless Voices will be holding a rally at the State House in Augusta with regard to the Governor's budget and the cuts that will affect all kinds of groups. He also said he supports the captioning proposal.
7. Old Business - Tania let the group know that the new signs around Preble Street Shelter regarding Hearing Impaired/Disabled are really working. She thanked Karen and the Public Works Department for helping out. Karen let Tania know she would contact Public Works to inform them of the success and if other areas are in need of signs to let her know.

The meeting adjourned at 11:50.

Respectfully submitted,

Karen B. McPhee

Recreation

Captions On Portland!

Organizations to get on board:

No prior relationship, in need of outreach:

- Maine Restaurant Association **Address:** 45 Melville St #2, Augusta, ME 04330: (207) 623-2178
- Portland Regional Chamber of Commerce **Address:** 443 Congress St, Portland, ME 04101, **Phone:** (207) 772-2811
- PORTLAND DOWNTOWN 207 772 6828 info@portlandmaine.com 549 Congress Street Portland, Maine 04101

Friends who will send Letters of support:

Maine Medical Partners/MMC

Maine Association of the Deaf

Alpha One

Pine Tree Society

PRECEDENTS IN OTHER PLACES:

San Francisco Mayor's Disability Council (May 16, 2008). *"Resolution in Support of Board of Supervisors' Ordinance Requiring Activation of Closed Captioning on Televisions in Public Areas"*. City and County of San Francisco. Retrieved 2009-01-29. that television receivers located in any part of a facility open to the general public have closed captioning activated at all times when the facility is open and the television receiver is in use. <http://sfgov.org/sfmdc/resolution-2008-03-board-supervisors-closed-captioning>

Maryland 2015 law requires that, **upon request**, places of public accommodation are to keep closed captioning activated on any television that is in use during regular hours in any public area. Places of public accommodation are excluded from this requirement if (1) no television receiver of any kind is available in the public area or (2) the only public television receiver available in the public area is not a closed captioning receiver.¹ Maryland State Government Code §20-306 <http://odhh.maryland.gov/wp-content/uploads/sites/13/2015/10/SB68FactSheet1.pdf>

Portland OR:

Effective December 18, 2015, owners at bars, restaurants, barber shops and hospitals who turn off captions will risk paying a \$500 fine. Few other places have attempted such a widespread mandate. San Francisco passed a [similar ordinance](#) in 2008, and [Maryland requires workers](#) in public spaces to comply if a patron asks them to turn on captions.

http://www.oregonlive.com/portland/index.ssf/2015/12/portland_captions_public_place.html

Captions on Now consumer group in Portland OR: <http://captionsonnow.net/>

Hearing of Portland Oregon City Council passing the ordinance:

<https://www.youtube.com/watch?v=yO0T9XqzvFY>

<http://efiles.portlandoregon.gov/Record/8237464/>

ANN ARBOR, MI - A new city ordinance taking effect July 1, 2017 requires **activation of closed captioning on all televisions in use in places of public accommodation**, including bars, hotel lobbies, restaurants, fitness centers and the like. The ordinance does not require TVs to be turned on. However, if a TV is on, then the closed captioning must be activated. The ordinance will be enforced by the city's police and community standards officers. Each violation will be a civil infraction punishable by a minimum fine of \$50, with a maximum fine of up to \$500. The city's Commission on Disability Issues has discussed possibilities for conducting outreach and education to make sure local businesses know about the new ordinance before it takes effect and enforcement begins. http://www.mlive.com/news/ann-arbor/index.ssf/2017/02/new_law_requires_ann_arbor_bus.html

New York state bill Requires places of public accommodation, resort or amusement that operate televisions during regular hours of operation to provide closed captioning on certain televisions **upon request**.

<https://www.nysenate.gov/legislation/bills/2015/s5348/amendment/a>

Minnesota, effective August 1, 2016: **Health care waiting room TVs must provide closed captioning** Those who are deaf or hard of hearing often rely on closed captioning to follow television programming, but the feature isn't always activated on televisions in public places. This will change in health care facility waiting rooms under a new law. Licensed health care facilities will be required to have the closed captioning feature activated on any television in a waiting room provided for patients or the general public. The law also requires health care facility staff to make "reasonable efforts" to prevent members of the public or patients from deactivating the captioning feature on waiting room televisions, and to reactivate it as soon as possible if it is deactivated.

HF2742/SF2603*/CH150

<http://www.house.leg.state.mn.us/hinfo/leginfo/0816nlrelease.pdf>

An initiative in **Kansas**, I can't tell yet if it went anywhere or not:

<https://hlaakc.com/2016/01/28/launch-of-kansas-open-caption-initiatives-and-kansas-turn-on-the-tv-captions-now-petition/>

Larry Hogan
Governor



Kelby Brick
Director

Boyd K. Rutherford
Lt. Governor

GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING

Resource Guide: Closed-Captioning

Requirement of Closed Captioning on Public Televisions in Maryland

Maryland law requires that, upon request, places of public accommodation are to keep closed captioning activated on any television that is in use during regular hours in any public area. Places of public accommodation are excluded from this requirement if (1) no television receiver of any kind is available in the public area or (2) the only public television receiver available in the public area is not a closed-captioning receiver.¹

Examples of places of public accommodation include, but are not limited to: bars, restaurants, gyms, train stations, bus stations, hotels, and sports venues.

Violations

It is a violation of Maryland law if a business refuses to turn on closed captioning upon request. If any such violation occurs, individuals can file a complaint through the Maryland Commission on Civil Rights (MCCR). MCCR will investigate the complaint and may take a number of actions to resolve the situation, including mediation or assessing a fine. For more information, please visit MCCR's website <http://mccr.maryland.gov/>.

Benefits of Closed Captioning

Much information is disseminated through audio channels, such as the radio or television. The use of closed captioning on televisions enables many individuals to fully receive information. While many Deaf and hard of hearing individuals benefit from closed-captioning, the closed captioning feature also has increased usability for everyone:

- Better comprehension for viewers who know or are learning English as a second language.
- Improved comprehension of on-screen dialogue that is spoken very quickly or has accents, mumbling, or background noise.
- Enhanced learning environment for children or adults who are learning to read.
- Better clarity of full names, brand names, or technical terminology.
- Improved access to the television in noisy environments, such as restaurants and bars.

¹ Maryland State Government Code §20-306

ORDINANCE No.

187454

Require activation of closed captioning on televisions in public areas (Ordinance; add Code Section 23.01.075)

The City of Portland ordains:

Section 1. The Council finds:

1. Hearing loss is a significant problem in the United States. A study released in 2011 by researchers at Johns Hopkins estimated that approximately one in five Americans have some type of hearing loss in one or both ears that affect their ability to communicate and receive information.¹
2. In 1993, the Federal Communications Commission ("FCC") adopted regulations requiring all analog television receivers manufactured and sold in the United States with screens larger than 13 inches contain built-in decoder circuitry to display closed captioning.
3. Closed captioning consists of a transcript of the audio portions of television programming displayed on the television receiver screen when the user activates the caption feature.
4. In 1996, Congress amended the Communications Act to require that all video program distributors (including broadcasters, cable operators, etc.) add closed captioning to certain video programming and authorized the Federal Communications Commission (the FCC) to establish a transition schedule for complying with this requirement.
5. Following Congress's legislative directive, the FCC adopted administrative rules to ensure that video programming be accessible by closed captioning to the maximum extent possible. 47 CFR Part 79 sets forth the FCC's standards for accessibility of video programming.
6. In 2002, the FCC adopted closed captioning requirements for digital television receivers.
7. Under the FCC's rules, video program distributors are required to add closed captioning to all new English language programming. Starting in 2010, a similar requirement has applied to Spanish language programming. The FCC also requires video program distributors to add closed captioning to a certain percentage of previously broadcast programs.
8. In 2010, Congress enacted the Communications and Video Accessibility Act ("CVAA"), extending the scope of closed captioning requirements to all devices that

¹ http://www.hopkinsmedicine.org/news/media/releases/one_in_five_americans_has_hearing_loss (site visited May 6, 2015)

can play back video. Since September 30, 2012, new TV programming shown online is required to have closed captioning rendered as well.

9. Television receivers are increasingly used in facilities open to the general public, including hospital waiting rooms, bars and restaurants, health clubs, bus stations, airport lounges, and appliance stores. These and other public facilities represent the kinds of locations where the general public has access to television programming.
10. Television receivers in these locations enable members of the general public to obtain the latest news reports in an emergency, watch local sports teams, or simply pass the time while waiting for an appointment or service to be completed. People with hearing disabilities should not be excluded from being able to meaningfully participate in these activities while in public areas.
11. In order to avoid screening out those members of the general public who are deaf or hard of hearing in places of public accommodation, there should be a requirement closed captioning be activated so as to not exclude, deny service, segregate or otherwise treat those with hearing disabilities differently from being able to fully participate in or experience the full benefits of the television programming offered to the public in those settings.
12. This ordinance requires that television receivers located in any part of a facility open to the general public have closed captioning activated at all times when the facility is open and the television receiver is in use.

NOW, THEREFORE, the Council directs:

- a. Chapter 23.01 of the City Code is amended by adding a new section as follows:

23.01.075 Closed Caption Activation Requirement.

A. Definitions. As used in this Section 23.01.075, the following words and phrases shall be construed as defined in this subsection:

1. **“Closed Captioning”** means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.
2. **“Closed-Captioned Television Receiver”** means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.
3. **“Public Area”** means any part of a public facility that is open to the general public.
4. **“Public Facility”** shall have the same meaning as place of public accommodation, as defined in ORS 659A.400 (2013).

5. "Regular Hours" means the hours of any day in which a Public Facility is generally open to members of the general public.

B. Any person owning or managing a public facility must activate closed captioning on any closed captioned television receiver in use in any public area during regular hours.

C. A person owning or managing a public facility is not required to make a closed captioned television receiver available for viewing in a public area if:

1. No receiver of television programming of any kind is available in a public area of the public facility; or,
2. The only receiver of television programming available in a public area of the public facility is incapable of displaying close captioning.

D. Civil Penalties. A violation of this Section may result in the assessment of civil penalties, as provided below:

1. If the City Attorney reasonably believes a violation has occurred, the City Attorney may issue a written determination addressing the following:

- a. A reference to this Section, describing the violations that have occurred or are occurring;
- b. The date and the time of the occurrence, and the street address or location of the public facility;
- c. A concise statement of the matters asserted or charged; and,
- d. A request that the addressee provide a written response to the City Attorney within 10 business days either disputing the occurrence of the violation or describing how the violation has been abated and how such violations will be prevented from reoccurring.

The determination may be personally delivered to the person, or may be served by Registered or Certified Mail. For purposes of this Subsection, service by registered or certified mail is complete and effective when a correctly addressed notice is deposited with the postal service after being either certified or registered by the postal service.

2. If the person fails to provide a written response, or the written response fails to reasonably satisfy the City Attorney regarding the identified violations, the City Attorney may file a complaint with the Code Hearings Officer, as provided under Section 22.03.020, for violations of this Section 23.01.075, asking the Code Hearings Officer to impose civil penalties not to exceed \$500 for each day such violation is committed or permitted to continue as provided in this Section. Having made a determination to ask that the Code Hearings Officer to impose civil penalties as provided by this Section, the City Attorney shall give the person written notice of the determination by causing notice to be served upon the person at their business or residence address. Service of the notice shall be accomplished by

mailing the notice by regular mail, or at the option of the City Attorney, by personal service in the same manner as a summons served in an action at law. Mailing of the notice by regular mail shall be prima facie evidence of receipt of the notice. Service of notice upon the person apparently in charge of a business during its hours of operation shall constitute prima facie evidence of notice to the business owner.

3. In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Code Hearings Officer shall consider:

- a. The extent and nature of the person's involvement in the violation;
- b. The harms, whether economic, financial or otherwise, which occurred or were suffered as a result of the violation;
- c. Whether the violations were isolated or temporary, or repeated or continuous;
- d. The magnitude and seriousness of the violation;
- e. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
- f. Any other applicable facts bearing on the nature and seriousness of the violation.

Passed by the Council:

NOV 18 2015

Commissioner Amanda Fritz
Prepared by: Jasmine Wadsworth
Date Prepared: June 17, 2015

Mary Hull Caballero
Auditor of the City of Portland

By

Susan Parsons
Deputy

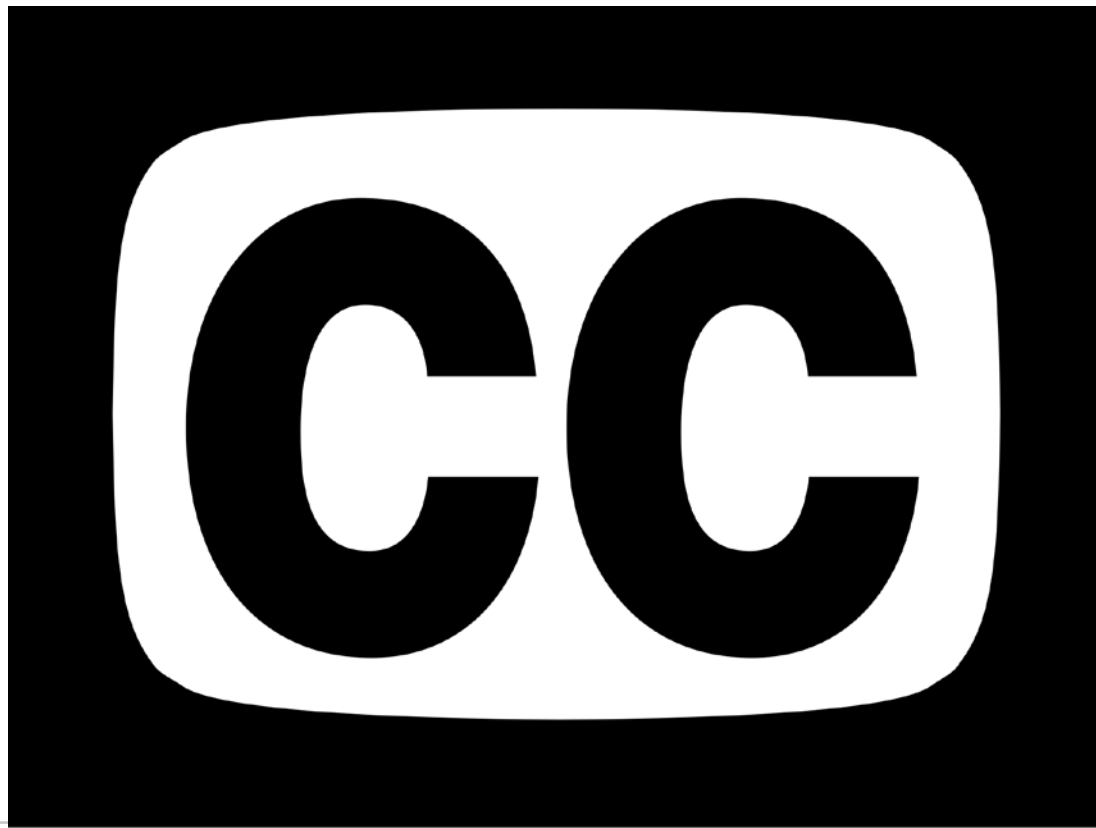
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Agenda No.
ORDINANCE NO. 187454
Title

Require activation of closed captioning on televisions in public areas (Ordinance; add Code Section 23.01.075)

INTRODUCED BY Commissioner/Auditor: Amanda Fritz	CLERK USE: DATE FILED <u>JUN 26 2015</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz <i>Amanda Fritz</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland <i>[Signature]</i> By: _____ Deputy
BUREAU APPROVAL Bureau: Bureau Head:	ACTION TAKEN: JUL 02 2015 PASSED TO SECOND READING JUL 08 2015 REFERRED TO COMMISSIONER OF PUBLIC UTILITIES <i>CLERK NOTE: PLACED ON 11-18-15 AGENDA</i>
Prepared by: Tim Crail Date Prepared: June 17, 2015 Impact Statement Completed ☒ Amends Budget ☐ Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☐ City Auditor Office Approval: required for Code Ordinances <i>John</i> City Attorney Approval: required for contract, code, easement, franchise, license, or other charter <i>Deborah Walters</i> Council Meeting Date July 2, 2015	JUL 08 2015 10:30 AM TIME CERTAIN

AGENDA
TIME CERTAIN ☒ Start time: 2:00 PM Total amount of time needed: 1 Hour (for presentation, testimony and discussion)
CONSENT ☐
REGULAR ☐ Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	



Captions on, Portland!



Effort to establish a closed
captioning law in
Portland, Maine



What's being proposed?

- The use of closed-captioning on all TV screens on in public places where there are TVs that are on.
(Examples of locations include, but not limited to:)
- Restaurants
- Bars
- Hotel lobbies
- Schools
- Gyms
- Medical offices



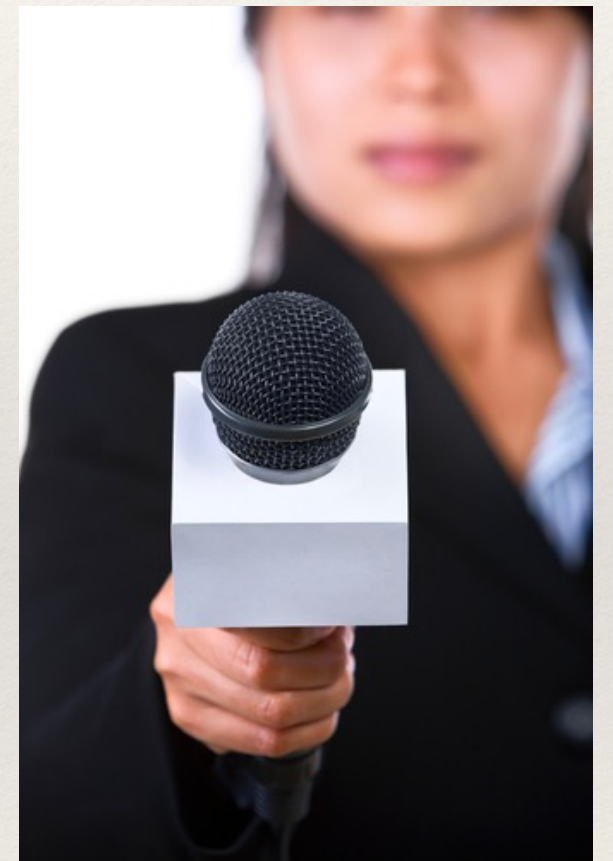
This Bill Would Not Require:

- ❖ Any entity to acquire a TV if they don't have one
- ❖ To turn on TVs that are not normally on
- ❖ Any entity to be responsible for programming that is not already captioned

Why is it important?

Closed captioning would allow deaf, hard of hearing and others access to:

- Emergency alerts
- News reports
- Ability to follow sporting events
- Better understanding of TV programs
- Participation and understanding of civic engagement



Who would benefit?

- People with hearing disabilities
- People in the Deaf Community
- People learning to read
- Guests in noisy environment
- People learning English as second or third language



Friends likely in support:

- Maine Medical Partners
- Alpha One
- ✓ Pine Tree Society
- Maine Association of the Deaf
- ✓ Disability Rights Maine
- AARP
- Homeless Voices for Justice
- YOUR SUGGESTIONS HERE



Who we need to reach out to:

Organizations to get on board:

- Maine Restaurant Association
- Portland Downtown
- Portland Regional Chamber of Commerce
- OTHER IDEAS?



States/Cities that passed similar ordinances:

- San Francisco, California
- Portland, Oregon
- Ann Arbor, Michigan
- New York State
- Minnesota
- Maryland
- FCC requires all airports



What about sports games?

- Issue: Sports fans may worry that closed captioning could overlap game scores
- Solution: FCC regulations require stations to place sports scores in a area where captions won't interfere



Financial impact of service:

- No cost to implement; Minimal cost to city may result from responding to complaints of establishments not complying with law
- City could earn money from fine payments; anywhere between \$50 to \$500 per fine
- The closed-captioning service itself is free, so no cost to public service providers.



Conclusion

- Closed-captioning in public areas would benefit many people
- Other states/cities have successfully passed similar laws
- Inexpensive and practical proposal
- Step in the right direction toward equal treatment of those in Deaf Community and English Language Learners

