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An Act To Ensure Equitable Payment for E-9-1-1 Services

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, E-9-1-1 service is of vital importance to the citizens of the State; and

Whereas, some municipalities currently do not have a public safety answering point, requiring by law the provision of those services by the Department of Public Safety; and

Whereas, in order to meet the demands of those municipalities, the Department of Public Safety has had to hire more personnel, resulting in increased costs to the department; and

Whereas, the law is unclear as to the ability of the Department of Public Safety to bill municipalities for these services; 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. 25 MRSA §1535 is enacted to read:

§ 1535. Fees for public safety answering point services and dispatch services

The Public Utilities Commission may, on its own motion or at the request of the department or a political subdivision of the State, establish in an adjudicatory proceeding the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the department to those political subdivisions, including services provided pursuant to section 2923-A. In the proceeding, the commission shall establish the revenue requirement for the department's relevant dispatch and public safety answering point services and a fee design for the recovery of the department's revenue requirement to ensure the fees reasonably reflect services provided. In any proceeding held under this section, the department and all political subdivisions that are to be provided public safety answering point services and dispatch services shall provide to the commission all information the commission determines necessary in order to establish the fees.

Sec. 2. 25 MRSA §2923-A is enacted to read:

§ 2923-A. Requirements of municipalities

Each municipality that does not have a public safety answering point shall contract with an entity that does have a public safety answering point, which may be the department, for receiving 9-1-1 calls and, as appropriate, directly dispatching emergency services or, through transfer routing or relay routing, passing 9-1-1 calls to public or private safety agencies that dispatch emergency services. If a municipality without a public safety answering point does not enter into such an agreement, the department shall serve as the public safety answering point for that municipality and the municipality shall pay the department for the provision of those services. Fees received by the department pursuant to this section must be deposited in the Consolidated Emergency Communications Fund established in section 1534.

Sec. 3. Initial setting of fees. The Public Utilities Commission shall undertake an adjudicatory proceeding pursuant to the Maine Revised Statutes, Title 25, section 1535 to initially establish the fees that must be paid by political subdivisions of the State for public safety answering point services and dispatch services provided by the Department of Public Safety.

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

Effective April 15, 2008.