

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 945 - L.D. 1436

An Act to Update and Clarify Provisions Related to 9-1-1 Services

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

Sec. 1. 5 MRSA §12004-I, sub-§74-A, as amended by PL 1993, c. 566, §1, is further amended to read:

74-A.

Public Safety ~~E-9-1-1~~ 9-1-1 Council Expenses Only 25 MRSA §2925

Sec. 2. 17-A MRSA §509, sub-§1, ¶A, as amended by PL 2023, c. 430, §1, is further amended to read:

A. The person knowingly gives or causes to be given false information to a law enforcement officer, an emergency communications center or the ~~enhanced~~ 9-1-1 services established in Title 25, chapter 352 with the intent of inducing the officer, the emergency communications center or any other emergency services personnel to believe that a crime has been committed or that another has committed a crime, knowing the information to be false;

Sec. 3. 17-A MRSA §509, sub-§1, ¶B, as amended by PL 2023, c. 430, §1, is further amended to read:

B. The person knowingly gives or causes to be given false information to a law enforcement officer, a member of a firefighting agency, including a volunteer fire department, an emergency communications center, the ~~enhanced~~ 9-1-1 services established in Title 25, chapter 352 or any other person knowing that the other person is likely to communicate the information to a law enforcement officer, a member of a firefighting agency, an emergency communications center or any other emergency services personnel concerning a fire, explosive or other similar substance that is capable of endangering the safety of persons, knowing that the information is false, or knowing that the person has no information relating to the fire, explosive or other similar substance; or

Sec. 4. 17-A MRSA §509, sub-§1, ¶C, as amended by PL 2023, c. 430, §1, is further amended to read:

C. The person knowingly gives or causes to be given false information concerning an emergency to an ambulance service, an emergency communications center, the ~~enhanced~~ 9-1-1 services established in Title 25, chapter 352, any other emergency services personnel or a government agency or public utility that deals with emergencies involving danger to life or property, with the intent of inducing the service, personnel, agency, center or utility to respond to the reported emergency, knowing the information to be false.

Sec. 5. 25 MRSA §2921, sub-§1, as enacted by PL 1987, c. 840, §3, is amended to read:

1. Automatic location identification. "Automatic location identification" means ~~an~~ ~~enhanced~~ a 9-1-1 service capability that enables the automatic display of information defining the geographical location of the telephone used to place a 9-1-1 call.

Sec. 6. 25 MRSA §2921, sub-§2, as enacted by PL 1987, c. 840, §3, is amended to read:

2. Automatic number identification. "Automatic number identification" means ~~an~~ ~~enhanced~~ a 9-1-1 service capability that enables the automatic display of the 7-digit number used to place a 9-1-1 call.

Sec. 7. 25 MRSA §2921, sub-§2-A, as amended by PL 2003, c. 359, §1, is further amended to read:

2-A. Bureau. "Bureau" means the Emergency Services Communication Bureau within the Public Utilities Commission, which is responsible for the statewide implementation and management of ~~E-9-1-1~~ 9-1-1.

Sec. 8. 25 MRSA §2921, sub-§2-B, as enacted by PL 2007, c. 68, §1, is amended to read:

2-B. Cellular or wireless telecommunications service. "Cellular or wireless telecommunications service" means commercial mobile service as defined in 47 United States Code, Section 332(d) , ~~regardless of when payment is required for that service.~~

Sec. 9. 25 MRSA §2921, sub-§5-A, as enacted by PL 2007, c. 226, §1, is amended to read:

5-A. Enhanced 9-1-1 access-only service. "~~Enhanced~~ 9-1-1 access-only service" ~~or~~ "~~E-9-1-1 access-only service~~" means the provision of ~~E-9-1-1~~ 9-1-1 access to a residential telephone customer's premises when telephone service to the premises has been otherwise suspended or disconnected.

Sec. 10. 25 MRSA §2921, sub-§6, as amended by PL 2013, c. 119, §1, is repealed and the following enacted in its place:

6. 9-1-1 services. "9-1-1 services" or "9-1-1" means the delivery of 9-1-1 calls to the proper public safety answering points with the automatic location identification and automatic number identification of an entity requesting emergency services. "9-1-1 services" or "9-1-1" includes Internet protocol enabled services.

Sec. 11. 25 MRSA §2921, sub-§6-D is enacted to read:

6-D. Originating service provider. "Originating service provider" means an entity that provides service to an end user that may be used to originate voice or nonvoice 9-1-1 calls for assistance and that connects to the 9-1-1 system for the purposes of delivering 9-1-1 services, including, but not limited to, the delivery of wireline, wireless and voice over Internet protocol services, to a public safety answering point.

Sec. 12. 25 MRSA §2921, sub-§7, as amended by PL 1993, c. 566, §3, is further amended to read:

7. Public safety answering point. "Public safety answering point" means a facility with enhanced 9-1-1 capability, operated on a 24-hour basis, assigned the responsibility of receiving 9-1-1 calls and, as appropriate, the physical or virtual entity where 9-1-1 calls are received that is responsible for directly dispatching emergency services or, through transfer routing or relay routing, passing 9-1-1 calls to public or private safety agencies.

Sec. 13. 25 MRSA §2921, sub-§13, as amended by PL 2009, c. 400, §1 and affected by c. 400, §15, is further amended to read:

13. Prepaid wireless telecommunications service. "Prepaid wireless telecommunications service" means a cellular or wireless telecommunications service that allows a caller to dial 9-1-1 to access the ~~E-9-1-1~~ 9-1-1 system, which service must be paid for in advance and is sold in predetermined units or dollars that declines with use in a known amount.

Sec. 14. 25 MRSA §2921, sub-§17, as enacted by PL 2019, c. 339, §4, is amended to read:

17. 9-1-1 call. "9-1-1 call" means any use of enhanced 9-1-1 services initiated by any means or medium, including, but not limited to, voice calls and text messaging.

Sec. 15. 25 MRSA §2923-A, as amended by PL 2011, c. 505, §3, is further amended to read:

§2923-A. Requirements of municipalities, plantations, counties or unorganized territories

Each municipality, plantation, county or unorganized territory 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, plantation, county or unorganized territory 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, plantation, county or unorganized territory and the municipality, plantation, county or unorganized territory 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. If a fee assessed to a municipality, plantation, county or unorganized territory for services provided pursuant to an agreement under this section or by the department is based in whole or in part on population, the population of the municipality, plantation, county or unorganized territory may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality, plantation, county or unorganized territory.

Sec. 16. 25 MRSA §2923-B, sub-§1, as enacted by PL 2023, c. 186, §1, is amended to read:

1. Notice. A public safety answering point shall provide notice to the bureau prior to discontinuing service to a municipality, plantation, county or unorganized territory. A public safety answering point may not provide the notice under this subsection less than one year prior to the date that the public safety answering point discontinues service, unless the bureau finds reasonable grounds to authorize a shorter period of time for the notification. If appropriate, the bureau shall notify the department of the notice of discontinuing service received by the bureau from a public safety answering point.

Sec. 17. 25 MRSA §2923-C, as enacted by PL 2023, c. 609, §3, is amended to read:
§2923-C. Cost reporting

1. Reporting requirements. Annually, on a date prescribed by the ~~bureau~~ Public Utilities Commission by rule, a public safety answering point and dispatch center shall each provide the bureau with a report of the costs incurred by the public safety answering point or dispatch center for the provision of ~~enhanced~~ 9-1-1 services.

2. Rules. The ~~bureau~~ Public Utilities Commission shall adopt rules to implement this section. The rules must establish requirements for the report provided by a public safety answering point and dispatch center pursuant to subsection 1, including, at a minimum:

- A. The manner by which the report must be submitted to the bureau;
- B. The specific cost components for the provision of ~~enhanced~~ 9-1-1 services to be included in the report; and
- C. The date by which the report must be submitted.

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 18. 25 MRSA §2925, as amended by PL 2021, c. 348, §37, is further amended by amending the section headnote to read:

§2925. ~~E-9-1-1~~ 9-1-1 Council

Sec. 19. 25 MRSA §2925, first ¶, as amended by PL 1993, c. 566, §8, is further amended to read:

The ~~E-9-1-1~~ 9-1-1 Council, established in Title 5, section 12004-I, subsection 74-A, and referred to in this section as "the council," shall advise and assist the bureau in the implementation of the ~~E-9-1-1~~ 9-1-1 system.

Sec. 20. 25 MRSA §2925, sub-§1, as amended by PL 2021, c. 348, §37, is further amended to read:

1. Membership. The ~~E-9-1-1 Council~~ council is composed of 17 members; one appointed by the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and 15 appointed by the Governor, including one who is a municipal official nominated by the statewide association of municipalities, one county official nominated by a statewide association of county commissioners, one who is a chief of a municipal police department nominated by the statewide association of chiefs of police, one who is the chief of a municipal fire department nominated by the statewide association of fire chiefs, one

who is a county sheriff nominated by the statewide association of sheriffs, one who represents small telephone companies, one who represents the largest provider of local exchange telephone services, one who represents cellular or wireless service providers, one who represents a direct provider of emergency medical services, one who is a dispatcher nominated by the statewide association of dispatchers, one who is a member of a volunteer fire department, one to represent persons who are deaf and hard of hearing and 3 to represent the public-at-large. Each member may name a designee who may attend meetings of the council and act on that member's behalf in council proceedings.

Sec. 21. 25 MRSA §2925, sub-§6, as amended by PL 2009, c. 219, §1, is further amended to read:

6. Duties. The council has the following duties.

A. The council shall advise the bureau on activities relating to the establishment of ~~an~~ 9-1-1 a 9-1-1 system.

B. The council shall review and comment on rules proposed by the ~~bureau~~ Public Utilities Commission under this chapter.

C. The council shall assist the bureau in providing public information about the implementation and operation of the ~~E-9-1-1~~ 9-1-1 system.

D. The council shall assist the bureau in responding to and resolving service-related complaints and issues regarding the ~~E-9-1-1~~ 9-1-1 system.

Sec. 22. 25 MRSA §2926, as amended by PL 2023, c. 186, §2, is further amended to read:

§2926. Emergency Services Communication Bureau

1. Bureau established. The Emergency Services Communication Bureau is established within the Public Utilities Commission to implement and manage ~~E-9-1-1~~ 9-1-1, including the deployment of ~~E-9-1-1~~ 9-1-1 service using emerging communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points.

1-A. Quality assurance. The bureau shall develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points.

2. System design. In consultation with the ~~E-9-1-1~~ 9-1-1 Council, established in Title 5, section 12004-I, subsection 74-A, the bureau shall develop all necessary system elements, standards and cost estimates necessary to provide for the installation and operation of a statewide ~~E-9-1-1~~ 9-1-1 system, including, but not limited to, the following:

A. Development of network design specifications;

B. Development of minimum public safety answering point requirements including 24-hour operation; emergency backup power; secured communication areas; separate administrative phone lines for nonemergency calls; call recording and playback equipment; TDD equipment, as defined in Title 35-A, section 8702, subsection 6; maximum call handling times; and minimum mandatory staff training requirements for 9-1-1 call answering and dispatching;

- C. After consultation with the affected public and private safety agency officials, identification of appropriate public safety answering point sites based on consideration of the existing dispatching capabilities of public and private safety agencies, the expressed preferences of municipalities throughout the State and overall system cost;
- D. Identification of appropriate technology for system networks, public safety answering point equipment and ~~data-base~~ database requirements;
- E. Procedures for developing and maintaining address and routing ~~data-bases~~ database;
- F. Procedures for cooperation and coordination with telephone utilities and municipalities for implementation and maintenance;
- G. Standards and procedures to establish the confidentiality and prevent the dissemination of reports and records handled by public safety answering points and of the bureau;
- H. Estimates of the cost of establishing an operational ~~E-9-1-1~~ 9-1-1 system;
- I. Procedures for collecting and administering the necessary funds for ~~E-9-1-1~~ 9-1-1; and
- J. Standards and procedures for developing and maintaining the system databases and for ensuring the confidentiality of those databases pursuant to section 2929.

2-A. Goal. To the extent possible, the bureau shall establish a total of between 16 and 24 public safety answering points. The bureau shall seek to coordinate any reduction in the number of public safety answering points to achieve this goal with any contractual obligations it may have or may enter into that are or could be affected by that reduction. Prior to implementing a reduction in the number of public safety answering points, the bureau shall make a finding regarding the need for the reduction based on an evaluation of the costs and benefits of the reduction, taking into account impacts on ratepayers, each of the affected ~~municipalities~~ municipality, plantation, county or unorganized territory and the State.

2-B. Exceptions. Notwithstanding subsection 2-A, the bureau may authorize the establishment of a public safety answering point on a determination that a public safety answering point is necessary to ensure public safety and access to ~~E-9-1-1~~ 9-1-1 services.

3. Rulemaking. The ~~bureau~~ Public Utilities Commission shall adopt by rule ~~its~~ the ~~bureau's~~ standards, specifications and procedures developed under subsection 2, ~~paragraphs A to F~~ after consultation with the ~~E-9-1-1~~ 9-1-1 Council ~~and following at least 3 public hearings geographically dispersed throughout the State.~~

4. Technical assistance. The bureau may provide support for the development of street address information sufficient to support ~~E-9-1-1~~ 9-1-1 services. The bureau shall provide technical assistance to any municipality in the development of street address information at the request of the interested municipality, plantation, county or unorganized territory.

5. Call answering coverage. ~~The bureau is not required to provide call answering coverage in counties or municipalities that choose not to participate in the E-9-1-1 system.~~

6. System databases. The system databases, wherever located or stored, are the property of the bureau and their confidentiality is governed by section 2929.

Sec. 23. 25 MRSA §2927, as amended by PL 2023, c. 609, §4, is repealed.

Sec. 24. 25 MRSA §2927-A is enacted to read:

§2927-A. 9-1-1 funding

1. Funding. The activities authorized under this chapter are funded through:

A. The statewide 9-1-1 surcharge under subsection 2 levied on:

(1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;

(2) Semipublic coin and public access lines;

(3) Customers of interconnected voice over Internet protocol service; and

(4) Customers of cellular or wireless telecommunications service that is not a prepaid wireless telecommunications service. A surcharge may not be levied under this subparagraph with respect to customers of cellular or wireless telecommunications service that is supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54; and

B. The statewide prepaid wireless telecommunications service 9-1-1 surcharge under subsection 3 levied on prepaid wireless telecommunications service customers. A surcharge may not be levied under this paragraph with respect to prepaid wireless telecommunications service supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54, except that a surcharge may be levied under this paragraph on transactions in which the customer directly purchases optional services that are not supported by federal universal service support funds.

2. Statewide 9-1-1 surcharge. The statewide 9-1-1 surcharge is governed by this subsection.

A. The Public Utilities Commission shall establish the statewide 9-1-1 surcharge, except that the statewide 9-1-1 surcharge may not exceed 35¢ per month per line or number. The commission shall establish the statewide 9-1-1 surcharge by rule or through other commission proceedings. The statewide 9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account.

B. The statewide 9-1-1 surcharge must be collected from the customer according to subsection 1, paragraph A on a monthly basis by each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider and be shown separately as a statewide 9-1-1 surcharge on the customer's bill, when practicable. In circumstances in which separately showing the statewide 9-1-1 surcharge on a customer's bill is not practicable, the local exchange telephone utility, cellular or wireless telecommunications service provider or interconnected voice over Internet protocol service provider must make the information regarding the amount of the 9-1-1 surcharge available to the customer in another manner.

C. The place of residence of cellular or wireless telecommunications service customers who are not prepaid wireless telecommunications service customers must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556.

3. Statewide prepaid wireless telecommunications service 9-1-1 surcharge. The statewide prepaid wireless telecommunications service 9-1-1 surcharge, referred to in this subsection as "the prepaid wireless 9-1-1 surcharge," is governed by this subsection.

The Public Utilities Commission shall establish the prepaid wireless 9-1-1 surcharge, except that the prepaid wireless 9-1-1 surcharge may not exceed 35¢ per retail transaction. The commission shall establish the prepaid wireless 9-1-1 surcharge by rule or through other commission proceedings.

4. 9-1-1 funding obligation; limitation. The statewide 9-1-1 surcharge imposed by subsection 2 and the prepaid wireless 9-1-1 surcharge imposed by subsection 3 are the only 9-1-1 funding obligations imposed with respect to telecommunications service in this State, and another tax, fee, surcharge or other charge may not be imposed by this State, a political subdivision of this State or an intergovernmental agency for funding 9-1-1 purposes on any telecommunications service with respect to the sale, purchase, use or provision of that telecommunications service.

5. Surcharge remittance. Each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider shall remit the statewide 9-1-1 surcharge revenues collected from customers pursuant to subsection 1 on a monthly basis and within one month of the month collected, except that a utility or provider whose average monthly surcharge remittance payment for the prior calendar year is less than \$5,000 shall remit the 9-1-1 surcharge revenues on a quarterly basis, to the Treasurer of State for deposit in a separate account known as and referred to in this section as "the 9-1-1 fund." Each telephone utility or service provider required to remit statewide 9-1-1 surcharge revenues shall provide, on a form approved by the bureau, supporting data, including, but not limited to, the following:

- A. The calculation used to arrive at the surcharge remittance amount;
- B. The calculation used to arrive at the uncollectible amount of surcharge;
- C. The total surcharge;
- D. The month and year or the quarter and year for which a surcharge is remitted;
- E. The legal name and telephone number of the telephone utility or service provider and, if applicable, the parent company name, address and telephone number; and
- F. The name and telephone number of the person who prepared the form.

Prepaid wireless 9-1-1 surcharges collected by sellers must be remitted to the State Tax Assessor in accordance with Title 35-A, section 7104-C.

6. Expenditure of funds. All costs incurred by the bureau under this subsection must be paid from the 9-1-1 fund.

- A. The bureau may use the revenues in the 9-1-1 fund to:
 - (1) Fund staff;
 - (2) Defray the costs associated with the implementation, operation and management of 9-1-1, including the deployment of 9-1-1 service using emerging communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points; and

(3) Defray the costs, including necessary staffing costs, of the Emergency Medical Services' Board in implementing the requirements of Title 32, section 85-A through the transfer of funds to the Other Special Revenue Funds, Emergency Medical Services account within the Department of Public Safety.

B. The bureau shall use the revenues in the 9-1-1 fund to:

(1) Provide free training courses for emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D, to assist public safety answering points in meeting the requirements of Title 32, section 85-A;

(2) Provide each public safety answering point a sufficient number of approved Emergency Medical Dispatch Priority Reference System documents in printed or electronic format, as determined by the bureau pursuant to Title 32, section 85-A;

(3) Provide public safety answering points dispatcher training consistent with the protocols, necessary software and printed support materials to assist public safety answering points in the adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls;

(4) Provide quality assurance training and software to assist public safety answering points in ensuring compliance with the standardized dispatch protocols for answering fire 9-1-1 calls;

(5) Provide, subject to available funds not to exceed \$1,000,000 per biennium, grants for nonrecurring costs to:

(a) Dispatch centers associated with the consolidation of the dispatch centers into public safety answering points;

(b) Consolidate 2 or more public safety answering points and dispatch centers into a new regional public safety answering point and dispatch center; or

(c) Transfer a public safety answering point and all of its dispatch services to another existing public safety answering point; and

(6) Contract with one or more 3rd-party vendors to provide quality assurance review in accordance with rules adopted pursuant to subsection 11 and Title 32, section 85-A, subsection 2 related to the provision of emergency medical dispatch services and answering fire 9-1-1 calls by public safety answering points.

7. Unexpended funds; interest. The amount of the 9-1-1 fund not expended by the end of the fiscal year may not lapse but must be carried forward to be expended for the purposes specified in this chapter in succeeding fiscal years. The Treasurer of State shall credit all interest on fund balances to the 9-1-1 fund.

8. Legislative annual report. The bureau shall include in the Public Utilities Commission's annual report pursuant to Title 35-A, section 120, subsection 7 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters:

A. The bureau's planned expenditures for the year and use of funds for the previous year;

B. The statewide 9-1-1 surcharge collected under this section;

C. The bureau's recommended statewide 9-1-1 surcharge for the coming year;

D. The bureau's recommendations for amending existing and enacting new laws to improve the 9-1-1 system; and

E. The performance of each of the public safety answering points in the State during the previous calendar year, including the results of the bureau's quality assurance program audits under section 2926, subsection 1-A and any recommendations of the bureau relating to the emergency dispatching standards, practices and procedures of public safety answering points.

9. Committee recommendations; budget. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding all expenditures from the 9-1-1 fund.

10. Violations. A telephone utility, a cellular or wireless telecommunications service provider, including a prepaid wireless telephone service provider, or an interconnected voice over Internet protocol service provider subject to this section that intentionally and knowingly fails to remit the statewide 9-1-1 surcharge revenues collected under this section commits a civil violation for which a fine of not more than \$500 may be adjudged for each day that payment is not made after the due date.

11. Rules. The Public Utilities Commission shall adopt rules necessary to implement the provisions of this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 25. 25 MRSA §2929, sub-§1, ¶A, as enacted by PL 1997, c. 291, §3, is amended to read:

A. The names, addresses and telephone numbers of persons listed in ~~E-9-1-1~~ 9-1-1 databases;

Sec. 26. 25 MRSA §2929, sub-§1, ¶D, as amended by PL 2015, c. 153, §1, is further amended to read:

D. Personally identifying information of and any medical information about a person receiving emergency services through the ~~E-9-1-1~~ 9-1-1 system; or

Sec. 27. 25 MRSA §2929, sub-§2, ¶D, as enacted by PL 1997, c. 291, §3, is amended to read:

D. The bureau director may disclose confidential information to public safety answering points, public or private safety agencies, emergency responders or others within the ~~E-9-1-1~~ 9-1-1 system to the extent necessary to implement and manage the ~~E-9-1-1~~ 9-1-1 system.

Sec. 28. 25 MRSA §2929, sub-§4, ¶A, as enacted by PL 1997, c. 291, §3, is amended to read:

A. To persons within the ~~E-9-1-1~~ 9-1-1 system to the extent necessary to implement and manage the ~~E-9-1-1~~ 9-1-1 system;

Sec. 29. 25 MRSA §2929, sub-§5, as enacted by PL 1997, c. 291, §3, is amended to read:

5. Unlisted telephone numbers. The name and address associated with the number of a telephone company customer with an unlisted telephone number may be furnished to

the ~~E-9-1-1~~ 9-1-1 system for processing a request for ~~E-9-1-1~~ 9-1-1 services from that number and for the provision of emergency services resulting from the request.

Sec. 30. 25 MRSA §2930, as amended by PL 2007, c. 504, §1, is further amended to read:

§2930. Immunity

1. Governmental entity. Subject to all the limitations and exceptions provided under the Maine Tort Claims Act, Title 14, chapter 741, a ~~government~~ governmental entity is immune from tort liability for property damages, bodily injury or death resulting from acts or omissions occurring in developing, establishing, implementing, maintaining or operating the ~~E-9-1-1~~ 9-1-1 system.

2. Telecommunications providers. A telecommunications provider assisting in the implementation and operation of the statewide ~~E-9-1-1~~ 9-1-1 system, including, but not limited to, the development, establishment and maintenance of the ~~E-9-1-1~~ 9-1-1 system, is subject to tort liability:

A. For property damages, bodily injury or death resulting from any defect in the ~~E-9-1-1~~ 9-1-1 system or inadequacy in the provision of ~~E-9-1-1~~ 9-1-1 service caused by the telecommunications provider's negligent acts or omissions in developing, establishing, implementing, maintaining or operating the ~~E-9-1-1~~ 9-1-1 system, up to a maximum amount for ~~any and all~~ claims arising out of a single occurrence not to exceed \$300,000 or the dollar amount that appears in Title 14, section 8105, subsection 1, whichever is greater; and

B. For property damages, bodily injury or death resulting from any defect in the ~~E-9-1-1~~ 9-1-1 system or inadequacy in the provision of ~~E-9-1-1~~ 9-1-1 service caused by the telecommunications provider's intentional, willful or reckless acts or omissions in developing, establishing, implementing, maintaining or operating the ~~E-9-1-1~~ 9-1-1 system, without limitation on the amount.

For purposes of this subsection, ~~the term~~ "telecommunications provider" means a local exchange carrier, a commercial mobile service provider, as defined in 47 United States Code, Section 332(d), or an ~~interconnected voice over Internet protocol service provider~~ an originating service provider; an employee of a local exchange carrier, commercial mobile service provider or ~~interconnected voice over Internet protocol service provider~~ originating service provider acting within the scope of the employee's employment; or an agent of a local exchange carrier, commercial mobile service provider or ~~interconnected voice over Internet protocol service provider~~ originating service provider acting within the scope of the agent's agency.

For purposes of this subsection, ~~the term~~ "~~E-9-1-1~~ 9-1-1 system" includes, but is not limited to, the networks, databases and call processing services necessary to provide ~~enhanced~~ enhanced 9-1-1 services or ~~enhanced~~ enhanced 9-1-1 access-only services in accordance with this chapter and rules adopted under this chapter.

Sec. 31. 25 MRSA §2931, as amended by PL 2019, c. 339, §9, is further amended by amending the section headnote to read:

§2931. Misuse of ~~E-9-1-1~~ 9-1-1 system

Sec. 32. 25 MRSA §2931, sub-§1, as amended by PL 2019, c. 339, §9, is further amended to read:

1. Prohibited use. A person is guilty of misuse of the ~~E-9-1-1~~ 9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer:

- A. Makes repeated 9-1-1 calls to make nonemergency reports or inquiries;
- B. Causes 9-1-1 calls to be made using an alarm or other alerting device that automatically contacts 9-1-1 and transmits a prerecorded signal or message; or
- C. Violates paragraph B after having previously violated paragraph B.

Sec. 33. 25 MRSA §2932, sub-§1, as amended by PL 2021, c. 348, §38, is further amended to read:

1. Designated emergency telephone number. The primary telephone number to be used in a telephone exchange to request emergency services following the activation of ~~E-9-1-1~~ 9-1-1 services for that exchange, including the number for telecommunications devices for communication for persons who are deaf, hard of hearing or speech impaired, is 9-1-1. A person may not advertise or promote for emergency response services any telephone number other than 9-1-1.

Sec. 34. 25 MRSA §2932, sub-§2, as amended by PL 2015, c. 62, §2, is repealed.

Sec. 35. 25 MRSA §2933, as amended by PL 2003, c. 505, §§5 and 6, is further amended to read:

§2933. Local exchange carrier and originating service provider participation

1. Implementation of ~~E-9-1-1~~ 9-1-1 by local exchange carrier. Each local exchange carrier offering service over the public switched telephone network, in accordance with rules and procedures adopted by the ~~bureau~~ Public Utilities Commission, shall implement the ~~E-9-1-1~~ 9-1-1 system and provide the universal emergency telephone number 9-1-1 for use by the public in seeking emergency services assistance through the ~~E-9-1-1~~ 9-1-1 system.

2. Required information for ~~E-9-1-1~~ 9-1-1 database. Each ~~local exchange carrier~~ originating service provider shall provide to the bureau or its designee the automatic number identification, automatic location identification and any other information required to establish and maintain the ~~E-9-1-1~~ 9-1-1 database and ~~service services~~ services in accordance with the rules adopted by the ~~bureau~~ Public Utilities Commission.

3. Coordination of ~~E-9-1-1~~ 9-1-1 service; coordinator. Each ~~local exchange carrier and cellular or wireless telecommunications service provider~~ originating service provider within the State shall coordinate all implementation, operation and maintenance directly relating to ~~E-9-1-1~~ 9-1-1 through the bureau and shall designate a primary contact person, who may delegate the authority to one or more other persons, to coordinate with and provide all relevant information to the bureau to carry out the purposes of the chapter.

4. Penalties. ~~On petition by the bureau, the~~ The Public Utilities Commission, in an adjudicatory proceeding, may impose the following administrative penalties for a violation by a local exchange carrier or an originating service provider of subsection 1 or 2 or any rules adopted by the ~~bureau~~ Public Utilities Commission implementing subsection 1 or 2:

- A. An administrative penalty of up to \$1,000 for each day of the violation; and
- B. In extraordinary cases, as determined by the Public Utilities Commission, revocation of the commission's authorization of the ~~local exchange carrier's~~ originating service provider's authority to provide ~~local exchange~~ service in this State.

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 36. 25 MRSA §2934, as amended by PL 2019, c. 339, §10, is further amended to read:

§2934. Multiline telephone systems

1. Requirements. The ~~bureau~~ Public Utilities Commission may by rule establish requirements for locating 9-1-1 calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems and voice over Internet protocol systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. Rules adopted pursuant to this section:

- A. May not require any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues;
- B. Apply only to multiline telephone systems installed, introduced, established or replaced after the effective date of the rules;
- C. Must provide for appropriate standards, exemptions and waivers that balance the benefits of improved methods of locating 9-1-1 calls, and initiating emergency responses to such calls, made from within multiline telephone systems and the cost of achieving those improvements. The rules must allow, in appropriate circumstances, for methods that do not utilize automatic location identification and automatic number identification standards used in processing 9-1-1 calls; and
- D. May establish appropriate technical, procedural or any other standards relating to multiline telephone systems, telecommunications carrier interconnectivity, databases, dialing instructions, signaling or other matters necessary or appropriate to carry out the purposes of this section.

2. Rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. ~~The bureau may not provisionally adopt any rule under this section that has not been approved by the Public Utilities Commission.~~

Sec. 37. 25 MRSA §2935, as enacted by PL 2007, c. 226, §2, is amended to read:

§2935. ~~E-9-1-1~~ 9-1-1 access-only service

1. Provision of ~~E-9-1-1~~ 9-1-1 access-only service. It is the policy of this State that ~~E-9-1-1~~ 9-1-1 be broadly available where it is economically and technologically practical. The ~~bureau~~ Public Utilities Commission shall, by rule, establish requirements for the provision of ~~E-9-1-1~~ 9-1-1 access-only service, including, but not limited to, the circumstances in which ~~E-9-1-1~~ 9-1-1 access-only service is and is not required and which telephone service providers are and are not subject to the requirements.

2. Rulemaking. The ~~bureau~~ Public Utilities Commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are ~~major-substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 38. 30-A MRSA §3110, as enacted by PL 2009, c. 477, §1, is amended to read:

§3110. Road-naming disputes

Unless otherwise provided by local ordinance or charter, when there is a dispute over the naming of a town way, private way or private road for ~~E-9-1-1~~ 9-1-1 purposes, the decision of the municipal officers is final.

Sec. 39. 30-A MRSA §7062, as enacted by PL 1997, c. 409, §2, is amended by amending the section headnote to read:

§7062. Enhanced 9-1-1 addressing standards

Sec. 40. 30-A MRSA §7062, first ¶, as enacted by PL 1997, c. 409, §2, is amended to read:

A plantation may enact an ordinance to establish ~~enhanced~~ enhanced 9-1-1 addressing standards and, pursuant to that ordinance, may:

Sec. 41. 30-A MRSA §7501, sub-§8, as amended by PL 1999, c. 106, §2, is further amended to read:

8. Enhanced 9-1-1 service. Assigning and maintaining physical addresses specifically for the purpose of statewide ~~enhanced~~ enhanced 9-1-1 service. The county commissioners may enact an ordinance to establish the addressing standards and, pursuant to that ordinance, may assign road names to existing and proposed roads and property numbers to existing and proposed year-round and seasonal dwellings or structures and may install signs designating road names; and

Sec. 42. 32 MRSA §85-A, sub-§4, as amended by PL 2011, c. 271, §12, is further amended to read:

4. Licensing actions. A license issued pursuant to this section is subject to the provisions of sections 90-A and 91-A. Before the board or its subcommittee or staff takes any final action to suspend or revoke an emergency medical dispatch center license or to refuse to reissue an emergency medical dispatch center license, the board shall contact the bureau for input on the effect of such an action on the ~~E-9-1-1~~ 9-1-1 system and, notwithstanding section 91-B, may, to the extent necessary for this purpose, disclose to the bureau information that is designated as confidential under section 91-B.

Sec. 43. 32 MRSA §98, sub-§1, ¶C, as enacted by PL 2023, c. 412, Pt. GGGGG, §1, is amended to read:

C. "Historical activations" means the number of times an emergency medical services entity was dispatched by the ~~E-9-1-1~~ 9-1-1 system within a defined period of time.

Sec. 44. 35-A MRSA §120, sub-§7, ¶A, as enacted by PL 2023, c. 77, §4, is amended to read:

A. Title 25, section ~~2927~~ 2927-A, subsection ~~5~~ 8;

Sec. 45. 35-A MRSA §7104-C, sub-§1, ¶C, as enacted by PL 2011, c. 600, §7 and affected by §10, is amended to read:

C. The statewide prepaid wireless telecommunications service ~~E-9-1-1~~ 9-1-1 surcharge levied on prepaid wireless telecommunications service consumers pursuant to Title 25, section ~~2927~~ 2927-A, subsection ~~4-F~~ 3.

Sec. 46. 35-A MRSA §7104-C, sub-§2, ¶I, as amended by PL 2017, c. 475, Pt. A, §59, is further amended by amending subparagraph (1) to read:

(1) The portion of the remitted prepaid wireless fees attributable to the ~~E-9-1-1~~ 9-1-1 surcharge imposed by Title 25, section ~~2927~~ 2927-A, subsection ~~4-F~~ 3 is deposited in a separate account;

Sec. 47. 35-A MRSA §7201, sub-§2, as enacted by PL 2011, c. 623, Pt. A, §18, is amended to read:

2. Access to emergency services. "Access to emergency services" means access to emergency services, as defined in Title 25, section 2921, subsection 5, through ~~9-1-1~~ enhanced 9-1-1 service, as defined in Title 25, section 2921, subsection 6, to the extent a local government in the service area of a provider of last resort service provides ~~9-1-1~~ enhanced 9-1-1 services.

Sec. 48. 36 MRSA §191, sub-§2, ¶JJJ, as enacted by PL 2019, c. 401, Pt. E, §1 and reallocated by RR 2019, c. 1, Pt. A, §56, is amended to read:

JJJ. The disclosure of information to an authorized representative of the Public Utilities Commission for use in the commission's administration and oversight of the ~~E-9-1-1~~ 9-1-1 funding under Title 25, section ~~2927~~ 2927-A, the state universal service fund under Title 35-A, section 7104 and the telecommunications education access fund under Title 35-A, section 7104-B. The assessor shall apprise the authorized representative of the provisions regarding confidentiality of such information and of the continuing confidential nature of the disclosed information.

Sec. 49. 39-A MRSA §201, sub-§3-A, ¶B, as amended by PL 2023, c. 405, Pt. A, §143, is further amended to read:

B. The employee is a law enforcement officer, corrections officer, ~~E-9-1-1~~ 9-1-1 dispatcher, firefighter or emergency medical services person and is diagnosed by an allopathic physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively, with a specialization in psychiatry or a psychologist licensed under Title 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress, that the work stress was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder, in which case the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment. This presumption may be rebutted by clear and convincing evidence to the contrary. For purposes of this paragraph, "law enforcement officer," "corrections officer," "firefighter" and "emergency medical services person" have the same meaning as in section 328-A, subsection 1. For the purposes of this paragraph, "~~E-9-1-1~~ 9-1-1 dispatcher" means a person who receives calls made to the ~~E-9-1-1~~ 9-1-1 system and dispatches emergency services. "~~E-9-1-1~~ 9-1-1 dispatcher"

includes an emergency medical dispatcher as defined in Title 32, chapter 2-B, section 85-A, subsection 1, paragraph D.

Each time the Legislature amends this paragraph to provide for a rebuttable presumption for a new category of employees, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than the January 1st after the 5th year of the addition of the category of employees and no later than the January 1st after the 10th year of the addition of the category of employees. The reports must include an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the reports, and the board shall seek the input of an association whose membership consists exclusively of counties, municipalities and other political or administrative subdivisions in the development of the report.

This paragraph is repealed October 1, 2025.