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Date: (Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 853, L.D. 1175, “An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons”

Amend the bill by striking out the title and substituting the following:

**'An Act To Prohibit Excessive Telephone Charges in Maine Jails and Prisons'**

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'PART A**

**Sec. A-1. 34-A MRSA §3015** is enacted to read:

**§3015. Telephone services in Department of Corrections facilities**

Beginning October 1, 2022, the department and a service provider that contracts with the department to provide telephone services for residents of a department facility shall provide telephone services in accordance with this section.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department facility" means a detention facility or correctional facility.

B. "Resident" means a person who resides in a department facility.

C. "Service provider" means an entity that provides telephone services by contract with the department through which a resident initiates outgoing telephone calls from a department facility.

**2. Resident right to make telephone calls.** The department shall provide a resident with a reasonable opportunity to make interstate and intrastate telephone calls in accordance with departmental policies and institutional procedures and in accordance with the following.

**COMMITTEE AMENDMENT**

1 A. The department shall provide a resident with a reasonable opportunity to make  
2 telephone calls to relatives and friends, except that the department may restrict or  
3 prohibit telephone calls when the restriction or prohibition is necessary for the security  
4 of the department facility. The department shall provide to a resident who has less than  
5 \$10 in the resident's facility account a free telephone call allowance for 30 minutes of  
6 telephone calls per week under this paragraph.

7 B. The department shall provide a resident with a reasonable opportunity to make  
8 telephone calls protected by the attorney-client privilege. The department shall provide  
9 to a resident who has less than \$10 in the resident's facility account a free telephone  
10 call allowance for 30 minutes of telephone calls per week under this paragraph.

11 **3. Requirements for service providers.** A service provider that enters into or renews  
12 a contract on or after October 1, 2022 with the department to provide outgoing interstate  
13 and intrastate telephone services is subject to the following requirements.

14 A. The rates and charges that the service provider may charge for interstate and  
15 intrastate telephone calls made by residents may not exceed the rates for interstate  
16 telephone calls adopted by the Federal Communications Commission in effect on the  
17 date of the contract.

18 B. A service provider may not charge a fee to a resident, the department facility or the  
19 department for providing the free outgoing telephone calls required pursuant to  
20 subsection 2, paragraphs A and B.

21 C. A service provider may not charge a connection fee to a resident to initiate an  
22 outgoing telephone call.

23 D. A service provider shall permit the receiving party of a telephone call to terminate  
24 the telephone call prior to connection without the resident or receiving party incurring  
25 a charge.

26 E. A service provider may not block a collect telephone call to a receiving party  
27 because the service provider lacks a prior billing relationship with the receiving party's  
28 telephone service provider unless the service provider offers debit, prepaid or prepaid  
29 collect calling options.

30 F. A service provider, prior to connecting a telephone call, shall identify itself to the  
31 receiving party and disclose to the receiving party how to obtain rate quotations.

32 **Sec. A-2. Application.** That section of this Part that enacts the Maine Revised  
33 Statutes, Title 34-A, section 3015 applies to all contracts for telephone services entered into  
34 or renewed by the Department of Corrections on or after October 1, 2022.

## 35 PART B

36 **Sec. B-1. 30-A MRSA §1566** is enacted to read:

### 37 **§1566. Telephone services in jails**

38 Beginning October 1, 2022, a jail and a service provider that contracts with the jail to  
39 provide telephone services for residents of the jail shall provide telephone services in  
40 accordance with this section.

41 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
42 following terms have the following meanings.

