

CHAPTER 102**INTERCEPTION OF WIRE AND ORAL COMMUNICATIONS****§709. Definitions**

The following words and phrases as used in this chapter, unless the context otherwise indicates, shall have the following meanings. [PL 1973, c. 561 (NEW).]

1. Communication common carrier. "Communication common carrier" means any telephone or telegraph company.

[PL 1973, c. 561 (NEW).]

1-A. Administration of criminal justice.

[PL 2015, c. 470, §5 (RP).]

1-B. Administration of juvenile criminal justice.

[PL 2021, c. 365, §1 (RP); PL 2021, c. 365, §37 (AFF).]

1-C. Administration of juvenile justice. "Administration of juvenile justice" has the same meaning as in section 3003, subsection 1-A.

[PL 2021, c. 365, §2 (AMD); PL 2021, c. 365, §37 (AFF).]

2. Contents. "Contents," when used with respect to any wire or oral communication, means any information concerning the identity of the parties to such communication or the existence, contents, substance, purport or meaning of that communication.

[PL 1973, c. 561 (NEW).]

3. Intercepting device. "Intercepting device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

A. Any telephone or telegraph instrument, equipment or facility or any component thereof being used by a communication common carrier in the ordinary course of its business or extension telephones used by a subscriber to telephone service; or [PL 1973, c. 561 (NEW).]

B. A hearing aid or similar device being used to correct subnormal hearing to not better than normal. [PL 1973, c. 561 (NEW).]

[PL 1973, c. 561 (NEW).]

4. Intercept. "Intercept" means to hear, record or aid another to hear or record the contents of any wire or oral communication through the use of any intercepting device by any person other than:

A. The sender or receiver of that communication; [PL 1979, c. 701, §11 (AMD).]

B. A person within the range of normal unaided hearing or subnormal hearing corrected to not better than normal; or [PL 1973, c. 561 (NEW).]

C. A person given prior authority by the sender or receiver. [PL 1979, c. 701, §11 (AMD).]
[PL 1979, c. 701, §11 (AMD).]

4-A. Investigative officer. "Investigative officer" has the same meaning as in Title 34-A, section 1001, subsection 10-A.

[PL 2013, c. 80, §1 (RPR).]

4-B. Jail investigative officer. "Jail investigative officer" means an employee of a jail designated by the jail administrator as having the authority to conduct investigations of crimes relating to the security or orderly management of the jail and engage in any other activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of

the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act.

[PL 2015, c. 470, §7 (AMD).]

5. Oral communications. "Oral communications" means any oral communications uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation.

[PL 1973, c. 561 (NEW).]

6. Person. "Person" means any individual, partnership, association, joint stock company, trust or corporation, or any other legal entity, whether or not any of the foregoing is an officer, agent or employee of the United States, a state or a political subdivision of a state.

[PL 1973, c. 561 (NEW).]

7. Wire communication. "Wire communication" means any communication made in whole or in part through the use of facilities for transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception.

[PL 1973, c. 561 (NEW).]

SECTION HISTORY

PL 1973, c. 561 (NEW). PL 1979, c. 701, §11 (AMD). PL 1987, c. 680, §1 (AMD). PL 1997, c. 361, §§1,2 (AMD). PL 2011, c. 507, §§1-3 (AMD). PL 2013, c. 80, §1 (AMD). PL 2013, c. 267, Pt. B, §5 (AMD). PL 2015, c. 470, §§5-7 (AMD). PL 2021, c. 365, §§1, 2 (AMD). PL 2021, c. 365, §37 (AFF).

§710. Offenses

1. Interception, oral communications prohibited. Any person, other than an employee of a communication common carrier, a law enforcement officer, an investigative officer, another employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail employee acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who intentionally or knowingly intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept any wire or oral communication is guilty of a Class C crime.

[PL 2013, c. 80, §2 (AMD).]

2. Editing of tape recordings in judicial proceedings prohibited. Any person who knowingly or intentionally edits, alters or tampers with any tape, transcription or other sound recording, or knows of such editing, altering or tampering, and presents that recording in any judicial proceeding or proceeding under oath, without fully indicating the nature of the changes made and the original state of the recording, is guilty of a Class C crime.

[PL 1979, c. 663, §96 (AMD).]

3. Disclosure, or use of wire or oral communications prohibited. A person is guilty of a Class C crime if he:

A. Intentionally or knowingly discloses or attempts to disclose to any person the contents of any wire or oral communication, knowing that the information was obtained through interception; or
[PL 1979, c. 663, §97 (RPR).]

B. Intentionally or knowingly uses or attempts to use the contents of any wire or oral communication, knowing that the information was obtained through interception. [PL 1979, c. 663, §97 (RPR).]

[PL 1979, c. 663, §97 (RPR).]

4. Duty to report. Any communications common carrier shall promptly report to the Attorney General any facts coming to its attention in the conduct of its business which may indicate a possible

violation of this section and such carrier shall adopt reasonable rules to assure compliance with this subsection, provided such carrier shall not be liable to any person who may claim an injury arising out of any such report, if made in good faith. Any person violating this subsection shall be subject to a civil penalty not to exceed \$5,000, payable to the State, to be recovered in a civil action.

[PL 1979, c. 663, §98 (AMD).]

5. Possession of interception devices prohibited. A person, other than an employee of a communication common carrier, a law enforcement officer, an investigative officer, another employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail employee acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who has in that person's possession any device, contrivance, machine or apparatus designed or commonly used for intercepting wire or oral communications is guilty of a Class C crime.

[PL 2013, c. 80, §3 (AMD).]

6. Sale of interception devices prohibited. A person who sells, exchanges, delivers, barter, gives or furnishes or possesses with an intent to sell any device, contrivance, machine or apparatus designed or commonly used for the interception of wire or oral communications as defined in this chapter is guilty of a Class B crime. This subsection shall not include devices manufactured under written contract for sale to common carriers, law enforcement agencies and the Department of Corrections, provided that the production of any such device shall not have commenced prior to the signing of the contract by both parties.

[PL 1987, c. 680, §4 (AMD).]

SECTION HISTORY

PL 1973, c. 561 (NEW). PL 1979, c. 663, §§95-100 (AMD). PL 1987, c. 680, §§2-4 (AMD). PL 2013, c. 80, §§2, 3 (AMD).

§711. Civil remedy

Any party to a conversation intercepted, disclosed or used in violation of this chapter shall have a civil cause of action against any person who intercepts, discloses or uses such communications and shall be entitled to recover from any such persons: [PL 1973, c. 561 (NEW).]

1. Damages. Actual damages, but not less than liquidated damages, computed at the rate of \$100 per day for each day of violation; and

[PL 1979, c. 663, §101 (AMD).]

2. Attorney's fee. A reasonable attorney's fee and other litigation disbursements reasonably incurred.

[PL 1973, c. 561 (NEW).]

SECTION HISTORY

PL 1973, c. 561 (NEW). PL 1979, c. 663, §101 (AMD).

§712. Exceptions

1. Switchboard operators, communication common carrier agent. It is not a violation of this chapter for an operator of a switchboard or an officer, employee or agent of any communication common carrier, as defined in this chapter, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is a necessary incident to the rendition of service or to the protection of the rights or property of the carrier of the communication, provided that the communication common carriers shall not utilize service for observing or random monitoring, except for mechanical or service quality control checks, nor shall any such officer, employee or agent use or disclose to another the contents as defined in this chapter of the communication so intercepted.

[PL 1987, c. 680, §5 (NEW).]

2. Investigative officers. It is not a violation of this chapter for an investigative officer, or for another employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act; or while engaged in any activity that is related to the administration of juvenile justice if:

- A. Either the sender or receiver of that communication is a person residing in an adult or juvenile correctional facility administered by the Department of Corrections; and [PL 2009, c. 93, §1 (AMD).]
- B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:
 - (1) Providing the resident with a written notification statement;
 - (2) Posting written notification next to every telephone at the facility that is subject to monitoring; and
 - (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call. [PL 1997, c. 361, §3 (AMD).]
- C. [PL 1997, c. 361, §3 (RP).]

This subsection does not authorize any interference with the attorney-client privilege.
[PL 2021, c. 365, §3 (AMD); PL 2021, c. 365, §37 (AFF).]

3. Jail investigative officer. It is not a violation of this chapter for a jail investigative officer, as defined in this chapter, or for a jail employee acting at the direction of a jail investigative officer to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act if:

- A. Either the sender or the receiver of that communication is a person residing in an adult section of the jail; and [PL 2011, c. 507, §5 (AMD).]
- B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:
 - (1) Providing the resident with a written notification statement;
 - (2) Posting written notification next to every telephone at the jail that is subject to monitoring; and
 - (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call. [PL 1997, c. 361, §4 (NEW).]

This subsection does not authorize any interference with the attorney-client privilege.
[PL 2015, c. 470, §9 (AMD).]

4. Disclosure to another state agency. It is not a violation of this chapter for the contents of an interception of any oral communication or wire communication that has been legally obtained pursuant to subsection 2 or 3 to be disclosed to a state agency if related to the statutory functions of that agency.
[PL 2011, c. 507, §6 (NEW).]

SECTION HISTORY

PL 1973, c. 561 (NEW). PL 1973, c. 788, §61 (AMD). PL 1979, c. 701, §12 (AMD). PL 1987, c. 680, §5 (RPR). PL 1995, c. 182, §1 (AMD). PL 1997, c. 361, §§3,4 (AMD). PL 2009, c. 93, §1 (AMD). PL 2011, c. 507, §§4-6 (AMD). PL 2013, c. 80, §4 (AMD). PL 2015, c. 470, §§8, 9 (AMD). PL 2021, c. 365, §3 (AMD). PL 2021, c. 365, §37 (AFF).

§713. Evidence

The contents of an interception are not admissible in court, except that: [PL 2011, c. 507, §7 (RPR).]

1. Contents obtained under the laws of another jurisdiction. The contents of an interception of any oral communication or wire communication that has been legally obtained under the laws of another jurisdiction in which the interception occurred are admissible in the courts of this State, subject to the Maine Rules of Evidence; and [PL 2011, c. 507, §7 (NEW).]

2. Contents obtained under this chapter. The contents of an interception of any oral communication or wire communication that has been legally obtained pursuant to section 712, subsection 2 or 3 are admissible in the courts of this State, subject to the Maine Rules of Evidence, if related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act; the administration of juvenile justice; or the statutory functions of a state agency. [PL 2021, c. 365, §4 (AMD); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 1979, c. 701, §13 (NEW). PL 1983, c. 379 (AMD). PL 1995, c. 182, §2 (AMD). PL 1997, c. 361, §5 (AMD). PL 2011, c. 507, §7 (RPR). PL 2015, c. 470, §10 (AMD). PL 2021, c. 365, §4 (AMD). PL 2021, c. 365, §37 (AFF).

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CHAPTER 352**EMERGENCY SERVICES COMMUNICATION****§2921. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 840, §3 (NEW).]

1. Automatic location identification. "Automatic location identification" means an enhanced 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.

[PL 1987, c. 840, §3 (NEW).]

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

[PL 1987, c. 840, §3 (NEW).]

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.

[PL 2003, c. 359, §1 (AMD).]

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).

[PL 2007, c. 68, §1 (NEW).]

3. Commissioner. "Commissioner" means the Commissioner of Public Safety.

[PL 1987, c. 840, §3 (NEW).]

4. Department. "Department" means the Department of Public Safety.

[PL 1987, c. 840, §3 (NEW).]

5. Emergency services. "Emergency services" includes fire, police, ambulance, rescue services and other services of an emergency nature identified by the commissioner.

[PL 1987, c. 840, §3 (NEW).]

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 access to a residential telephone customer's premises when telephone service to the premises has been otherwise suspended or disconnected.

[PL 2007, c. 226, §1 (NEW).]

6. Enhanced 9-1-1 services. "Enhanced 9-1-1 services" or "E-9-1-1" means a system consisting of routing 9-1-1 calls or requests to the proper public safety answering points with the capability of automatic number or other calling party identification and location identification that enables the public to request emergency services. "Enhanced 9-1-1 services" or "E-9-1-1" includes Internet protocol enabled services.

[PL 2013, c. 119, §1 (AMD).]

6-A. Private safety agency. "Private safety agency" means a private entity that provides fire, emergency medical or security services.

[PL 1993, c. 566, §2 (NEW).]

6-B. Public safety agency. "Public safety agency" means a state, county or municipal government entity that provides or has the authority to provide fire, emergency medical or police services.

[PL 1993, c. 566, §2 (NEW).]

6-C. Internet protocol enabled services. "Internet protocol enabled services" means services and applications using Internet protocol, including, but not limited to, voice over Internet protocol and other services and applications provided through wireline, cable, wireless and satellite facilities and any other facility that is capable of connecting users to public safety answering points.

[PL 2013, c. 119, §2 (NEW).]

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, directly dispatching emergency services or, through transfer routing or relay routing, passing 9-1-1 calls to public or private safety agencies.

[PL 1993, c. 566, §3 (AMD).]

7-A. Relay routing. "Relay routing" means the method of responding to a 9-1-1 call whereby a public safety answering point notes pertinent information and relays it by telephone to the appropriate public or private safety agency that dispatches the needed service.

[PL 1993, c. 566, §4 (NEW).]

8. Selective routing. "Selective routing" means the method employed to direct 9-1-1 calls to the appropriate public safety answering point based on the geographical location from which the call originated.

[PL 1987, c. 840, §3 (NEW).]

9. Transfer routing. "Transfer routing" means the method of responding to a 9-1-1 call whereby a public safety answering point transfers the call, including the automatic location and number information, to the appropriate public or private safety agency that dispatches the needed service.

[PL 1993, c. 566, §4 (NEW).]

10. Local exchange carrier. "Local exchange carrier" means any person that is engaged in:

A. Service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, that is covered by the exchange service charge; [PL 2001, c. 53, §1 (NEW).]

B. Service comparable to that described in paragraph A provided through a system or combination of switches or transmission equipment or other facilities by which a subscriber can originate and terminate a telecommunications service; or [PL 2001, c. 53, §1 (NEW).]

C. The offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services. [PL 2001, c. 53, §1 (NEW).]

[PL 2001, c. 53, §1 (NEW).]

11. Public switched telephone network. "Public switched telephone network" means the network of equipment, lines and controls assembled to establish communication paths between calling and called parties in North America.

[PL 2001, c. 53, §1 (NEW).]

12. Interconnected voice over Internet protocol service. "Interconnected voice over Internet protocol service" means a service that enables real-time, 2-way voice communications; requires a broadband connection from the user's location; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

[PL 2007, c. 68, §2 (NEW).]

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 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.

[PL 2009, c. 400, §1 (AMD); PL 2009, c. 400, §15 (AFF).]

13-A. Prepaid wireless telecommunications service consumer. "Prepaid wireless telecommunications service consumer" or "prepaid wireless consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.

[PL 2009, c. 400, §2 (NEW); PL 2009, c. 400, §15 (AFF).]

14. Prepaid wireless telecommunications service provider. "Prepaid wireless telecommunications service provider" means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

[PL 2009, c. 400, §3 (AMD); PL 2009, c. 400, §15 (AFF).]

15. Retail transaction. "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

[PL 2009, c. 400, §4 (NEW); PL 2009, c. 400, §15 (AFF).]

16. Seller. "Seller" means a person who sells prepaid wireless telecommunications service to another person.

[PL 2009, c. 400, §5 (NEW); PL 2009, c. 400, §15 (AFF).]

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.

[PL 2019, c. 339, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 840, §3 (NEW). PL 1993, c. 566, §§2-4 (AMD). PL 2001, c. 53, §1 (AMD). PL 2003, c. 359, §1 (AMD). PL 2007, c. 68, §§1-4 (AMD). PL 2007, c. 226, §1 (NEW). PL 2009, c. 400, §§1-5 (AMD). PL 2009, c. 400, §15 (AFF). PL 2013, c. 119, §§1, 2 (AMD). PL 2019, c. 339, §4 (AMD).

§2922. E-9-1-1 capability

(REPEALED)

SECTION HISTORY

PL 1987, c. 840, §3 (NEW). PL 1993, c. 566, §5 (RP).

§2923. Requirements of municipalities

(REPEALED)

SECTION HISTORY

PL 1987, c. 840, §3 (NEW). PL 1991, c. 232, §1 (AMD). PL 1993, c. 566, §6 (RP).

§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. If a fee assessed to a municipality 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 may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality. [PL 2011, c. 505, §3 (AMD).]

SECTION HISTORY

PL 2007, c. 622, §2 (NEW). PL 2011, c. 505, §3 (AMD).

§2924. Establishment of E-9-1-1 system

(REPEALED)

SECTION HISTORY

PL 1987, c. 840, §3 (NEW). PL 1993, c. 566, §7 (RP).

§2925. E-9-1-1 Council

The E-9-1-1 Council, established in Title 5, section 12004-I, subsection 74-A, shall advise and assist the bureau in the implementation of the E-9-1-1 system. [PL 1993, c. 566, §8 (AMD).]

1. Membership. The E-9-1-1 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.

[PL 2021, c. 348, §37 (AMD).]

2. Terms of office. The members appointed by the Public Utilities Commission and the Commissioner of Public Safety serve at the pleasure of the appointing authority. The remaining members serve terms of 3 years. A vacancy must be filled by the appointing authority to complete the term of the appointee who vacated the office.

[PL 1993, c. 566, §8 (AMD).]

3. Quorum. A majority of the members of the council constitutes a quorum.

[PL 1993, c. 566, §8 (AMD).]

4. Compensation. Members of the council are entitled to receive expenses only according to Title 5, chapter 379.

[PL 1993, c. 566, §8 (AMD).]

5. Chair. The council shall choose a chair from among its members.

[PL 1993, c. 566, §8 (AMD).]

6. Duties. The council has the following duties.

A. The council shall advise the bureau on activities relating to the establishment of an E-9-1-1 system. [PL 1993, c. 566, §8 (AMD).]

B. The council shall review and comment on rules proposed by the bureau under this chapter. [PL 1993, c. 566, §8 (AMD).]

C. The council shall assist the bureau in providing public information about the implementation and operation of the E-9-1-1 system. [PL 1993, c. 566, §8 (AMD).]

D. The council shall assist the bureau in responding to and resolving service-related complaints and issues regarding the E-9-1-1 system. [PL 2009, c. 219, §1 (NEW).]

[PL 2009, c. 219, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 840, §3 (NEW). PL 1989, c. 30 (AMD). PL 1989, c. 503, §B107 (AMD). PL 1993, c. 566, §8 (AMD). PL 1997, c. 291, §1 (AMD). PL 2009, c. 219, §1 (AMD). PL 2021, c. 348, §37 (AMD).

§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, including the deployment of E-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.

[PL 2013, c. 119, §3 (AMD).]

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.

[PL 2009, c. 617, §6 (NEW).]

2. System design. In consultation with the E-9-1-1 Council, 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 system, including, but not limited to, the following:

A. Development of network design specifications; [PL 1993, c. 566, §9 (NEW).]

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; [PL 2019, c. 339, §5 (AMD).]

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; [PL 1993, c. 566, §9 (NEW).]

D. Identification of appropriate technology for system networks, public safety answering point equipment and data base requirements; [PL 1993, c. 566, §9 (NEW).]

E. Procedures for developing and maintaining address and routing data bases; [PL 1993, c. 566, §9 (NEW).]

F. Procedures for cooperation and coordination with telephone utilities and municipalities for implementation and maintenance; [PL 2001, c. 439, Pt. EEEE, §3 (AMD).]

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; [PL 1993, c. 566, §9 (NEW).]

H. Estimates of the cost of establishing an operational E-9-1-1 system; [PL 2001, c. 439, Pt. EEEE, §3 (AMD).]

I. Procedures for collecting and administering the necessary funds for E-9-1-1; and [PL 2001, c. 439, Pt. EEEE, §3 (AMD).]

J. Standards and procedures for developing and maintaining the system databases and for ensuring the confidentiality of those databases pursuant to section 2929. [PL 2001, c. 439, Pt. EEEE, §4 (NEW).]

[PL 2019, c. 339, §5 (AMD).]

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 and the State.

[PL 2011, c. 420, Pt. A, §28 (AMD).]

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

[PL 1993, c. 566, §9 (NEW).]

4. Technical assistance. The bureau may provide support for the development of street address information sufficient to support E-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.

[PL 1993, c. 566, §9 (NEW).]

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.

[PL 2001, c. 439, Pt. EEEE, §5 (NEW).]

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

[PL 2001, c. 439, Pt. EEEE, §5 (NEW).]

SECTION HISTORY

PL 1993, c. 566, §9 (NEW). PL 2001, c. 439, §§EEEE3-5 (AMD). PL 2003, c. 359, §§2,3 (AMD). PL 2009, c. 219, §2 (AMD). PL 2009, c. 617, §6 (AMD). PL 2011, c. 420, Pt. A, §28 (AMD). PL 2013, c. 119, §3 (AMD). PL 2019, c. 339, §5 (AMD).

§2927. E-9-1-1 funding

1. Statewide E-9-1-1 surcharge.

[PL 1993, c. 566, §9 (NEW); MRSA T. 25 §2927, sub-§7 (RP).]

1-A. Statewide E-9-1-1 surcharge.

[PL 1997, c. 409, §1 (AMD); MRSA T. 25 §2927, sub-§7-A (RP).]

1-B. Statewide E-9-1-1 surcharge.

[PL 2009, c. 617, §7 (RP); PL 2009, c. 617, §13 (AFF).]

1-C. Statewide E-9-1-1 surcharge; prepaid wireless service.

[PL 2009, c. 400, §7 (RP); PL 2009, c. 400, §15 (AFF).]

1-D. Funding.

The activities authorized under this chapter are funded through:

A. The statewide E-9-1-1 surcharge under subsection 1-E 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 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 [PL 2017, c. 422, §1 (AMD); PL 2017, c. 422, §12 (AFF).]

B. The statewide prepaid wireless E-9-1-1 surcharge under subsection 1-F levied on prepaid wireless telecommunications service consumers. 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. [PL 2017, c. 422, §1 (AMD); PL 2017, c. 422, §12 (AFF).]
[PL 2017, c. 422, §1 (AMD); PL 2017, c. 422, §12 (AFF).]

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

A. Prior to January 1, 2020, the statewide E-9-1-1 surcharge is 45¢ per month per line or number. Beginning January 1, 2020, the Public Utilities Commission shall establish the statewide E-9-1-1 surcharge, except that the statewide E-9-1-1 surcharge may not exceed 35¢ per month per line or number. The commission shall establish the statewide E-9-1-1 surcharge by routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, or through other commission proceedings. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. [PL 2019, c. 343, Pt. SSSS, §1 (RPR).]

B. The statewide E-9-1-1 surcharge must be collected from the customer according to subsection 1-D, 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 E-9-1-1 surcharge on the customer's bill. [PL 2009, c. 400, §9 (NEW); PL 2009, c. 400, §15 (AFF).]

C. The place of residence of cellular or wireless telecommunications service customers who are not prepaid wireless telecommunications service consumers must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556. [PL 2009, c. 400, §9 (NEW); PL 2009, c. 400, §15 (AFF).]
[PL 2019, c. 343, Pt. SSSS, §1 (AMD).]

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

A. Prior to January 1, 2020, the prepaid wireless E-9-1-1 surcharge is 45¢ per retail transaction. Beginning January 1, 2020, the Public Utilities Commission shall establish the prepaid wireless E-9-1-1 surcharge, except that the prepaid wireless E-9-1-1 surcharge may not exceed 35¢ per retail transaction. The commission shall establish the prepaid wireless E-9-1-1 surcharge by routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, or through other commission proceedings. [PL 2019, c. 343, Pt. SSSS, §2 (RPR).]

B. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

- C. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
 - D. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
 - E. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
 - F. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
 - G. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
 - H. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
 - I. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
 - J. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
- [PL 2019, c. 343, Pt. SSSS, §2 (AMD).]

1-G. E-9-1-1 funding obligation; limitation. The statewide E-9-1-1 surcharge imposed by subsection 1-E and the prepaid wireless E-9-1-1 surcharge imposed by subsection 1-F are the only E-9-1-1 funding obligations imposed with respect to telecommunications services in this State, and another tax, fee, surcharge or other charge may not be imposed by this State, any political subdivision of this State or any intergovernmental agency for funding E-9-1-1 purposes on any telecommunications service with respect to the sale, purchase, use or provision of that telecommunications service. [PL 2009, c. 400, §11 (NEW); PL 2009, c. 400, §15 (AFF).]

2. Surcharge remittance.

[PL 1993, c. 566, §9 (NEW); MRSA T. 25 §2927, sub-§7 (RP).]

2-A. Surcharge remittance.

[PL 1997, c. 409, §1 (AMD); MRSA T. 25 §2927, sub-§7-A (RP).]

2-B. 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 E-9-1-1 surcharge revenues collected from its customers pursuant to subsection 1-D 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 E-9-1-1 surcharge revenues on a quarterly basis, to the Treasurer of State for deposit in a separate account known as the E-9-1-1 fund. Each telephone utility or service provider required to remit statewide E-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; [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- B. The calculation used to arrive at the uncollectible amount of surcharge; [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- C. The total surcharge; [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- D. The month and year or the quarter and year for which surcharge is remitted; [PL 2013, c. 119, §4 (AMD).]
- E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; and [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- F. The preparer's name and telephone number. [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]

Prepaid wireless E-9-1-1 surcharges collected by sellers must be remitted to the State Tax Assessor in accordance with Title 35-A, section 7104-C. [PL 2013, c. 119, §4 (AMD).]

3. Expenditure of funds. The bureau may use the revenues in the E-9-1-1 fund to fund staff and to defray costs associated with the implementation, operation and management of E-9-1-1, including the deployment of E-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 may transfer funds to the Other Special Revenue Funds, Emergency Medical Services account within the Department of Public Safety to defray the costs, including necessary staffing costs, of the Emergency Medical Services' Board in implementing the requirements of Title 32, section 85-A. The bureau, to the extent it determines sufficient funds are available in the E-9-1-1 fund, shall use revenues in the E-9-1-1 fund to reimburse local exchange carriers and cellular and wireless telecommunications service providers for eligible expenses incurred by the carriers and service providers. For purposes of this subsection, the term "eligible expenses" means expenses:

- A. Incurred in preparing, correcting, verifying or updating subscriber information for use in databases necessary to implement the E-9-1-1 system; [PL 2003, c. 194, §1 (AMD).]
- B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided; and [PL 2003, c. 194, §1 (AMD).]
- C. When incurred by a cellular or wireless telecommunications service provider:
 - (1) That are approved by the bureau to be properly incurred for the implementation of E-9-1-1 technologies and procedures;
 - (2) That are not separately billed to customers; and
 - (3) For which the provider is not reimbursed from any other source. [PL 2003, c. 194, §1 (NEW).]

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B. [PL 2013, c. 119, §5 (AMD).]

3-A. Payment of emergency medical dispatch training costs. To assist public safety answering points in meeting the requirements of Title 32, section 85-A, the bureau shall provide free training courses for emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D or reimburse public safety answering points for reasonable costs, as determined by the bureau, incurred for training courses approved by the bureau and attended by employees of the public safety answering point upon submission by the public safety answering point of adequate documentation of completion of the courses by the employees. The bureau shall 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. All costs incurred by the bureau under this subsection must be paid from the E-9-1-1 fund. [PL 2005, c. 303, §2 (NEW).]

3-B. Support of supervisory positions. [PL 2009, c. 617, §10 (NEW); MRSA T. 25 §2927, sub-§3-B (RP).]

3-C. Payment for standardized dispatch protocols for fire 9-1-1 calls. To assist public safety answering points in the adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls, the bureau shall use up to 5¢ of each surcharge collected under subsections 1-E and 1-F to provide public safety answering points dispatcher training consistent with the protocols, necessary software and printed support materials. The bureau shall provide quality assurance training and software to assist public safety answering points in ensuring compliance with the protocols.

- A. The bureau shall adopt rules related to the adoption, implementation and administration of standardized dispatch protocols for answering fire 9-1-1 calls. Rules adopted pursuant to this

paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 230, §1 (NEW).]
[PL 2015, c. 230, §1 (NEW).]

3-D. Grants for dispatch consolidation. To support the consolidation of dispatch centers into existing public safety answering points, the bureau shall use up to \$1,000,000 from the funds collected from the statewide E-9-1-1 surcharge under subsection 1-E and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge under subsection 1-F to provide grants to dispatch centers for nonrecurring costs associated with the consolidation of the dispatch centers into public safety answering points. The bureau shall adopt rules establishing the application process for the distribution of grants and establishing the allowable uses of grants pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 428, §1 (NEW).]

4. Unexpended funds; interest. Any amount of the E-9-1-1 fund not expended at 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 fund.

[PL 1993, c. 566, §9 (NEW).]

5. 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; [PL 2009, c. 617, §11 (RPR).]

B. The statewide E-9-1-1 surcharge collected under this section; [PL 2009, c. 617, §11 (RPR).]

C. The bureau's recommended statewide E-9-1-1 surcharge for the coming year; [PL 2009, c. 617, §11 (RPR).]

D. The bureau's recommendations for amending existing and enacting new law to improve the E-9-1-1 system; and [PL 2009, c. 617, §11 (RPR).]

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. [PL 2009, c. 617, §11 (RPR).]

[PL 2009, c. 617, §11 (RPR).]

5-A. 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 E-9-1-1 fund.

[PL 1999, c. 790, Pt. A, §31 (AMD).]

6. 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 E-9-1-1 surcharge revenues collected under this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each day that payment is not made after the due date.

[PL 2007, c. 68, §8 (AMD).]

7. Repeal.

[PL 1997, c. 409, §1 (RP).]

7-A. Repeal. Subsections 1-A and 2-A are repealed 90 days after the adjournment of the First Regular Session of the 119th Legislature.

[PL 1997, c. 409, §1 (AMD).]

8. 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.

[PL 2007, c. 68, §9 (NEW).]

SECTION HISTORY

PL 1993, c. 566, §9 (NEW). PL 1995, c. 672, §§1-4 (AMD). PL 1997, c. 409, §1 (AMD). PL 1999, c. 651, §§1,2 (AMD). PL 1999, c. 651, §4 (AFF). PL 1999, c. 790, §A31 (AMD). PL 2001, c. 439, §§EEEE6,7 (AMD). PL 2001, c. 584, §1 (AMD). PL 2001, c. 584, §10 (AFF). PL 2003, c. 194, §1 (AMD). PL 2003, c. 359, §4 (AMD). PL 2003, c. 673, §V4 (AMD). PL 2003, c. 673, §V29 (AFF). PL 2005, c. 303, §§1,2 (AMD). PL 2007, c. 68, §§5-9 (AMD). PL 2007, c. 637, §1 (AMD). PL 2009, c. 122, §6 (AMD). PL 2009, c. 219, §3 (AMD). PL 2009, c. 400, §§6-12 (AMD). PL 2009, c. 400, §15 (AFF). PL 2009, c. 416, §1 (AMD). PL 2009, c. 617, §§7-11 (AMD). PL 2009, c. 617, §13 (AFF). PL 2011, c. 600, §§1, 2 (AMD). PL 2011, c. 600, §10 (AFF). PL 2013, c. 119, §§4, 5 (AMD). PL 2015, c. 230, §1 (AMD). PL 2017, c. 422, §1 (AMD). PL 2017, c. 422, §12 (AFF). PL 2017, c. 428, §1 (AMD). PL 2019, c. 343, Pt. SSSS, §§1, 2 (AMD).

§2928. Confidential information

(REPEALED)

SECTION HISTORY

PL 1993, c. 566, §9 (NEW). PL 1995, c. 672, §5 (AMD). PL 1997, c. 291, §2 (RP).

§2929. Confidentiality of system information

1. Definition. As used in this section, "confidential information" means the following information as contained in any database, report, audio recording or other record of the bureau or a public safety answering point:

- A. The names, addresses and telephone numbers of persons listed in E-9-1-1 databases; [PL 1997, c. 291, §3 (NEW).]
- B. Names, addresses and telephone numbers that are omitted from a telephone utility directory list at the request of a customer; [PL 2011, c. 623, Pt. D, §1 (AMD).]
- C. Personally identifying information of a caller to a public safety answering point; [PL 2015, c. 153, §1 (AMD).]
- D. Personally identifying information of and any medical information about a person receiving emergency services through the E-9-1-1 system; or [PL 2015, c. 153, §1 (AMD).]
- E. Personally identifying information of any 3rd party, including, but not limited to, a minor, given during a telephone call to a public safety answering point. [PL 2015, c. 153, §1 (NEW).]

For the purposes of this subsection, "personally identifying information" means any information that directly or by reasonable inference might disclose the identity of or personal information about a specific person or persons, including, but not limited to, a person's name, home address, telephone number, mailing address, e-mail address, date of birth, physical residence location, approximate physical location, global positioning system coordinate location information and social security

number. "Personally identifying information" does not include the name, title, official agency contact information or, when applicable, official agency identifying number of a public employee involved in a response to an emergency call in the course of carrying out the public employee's official duties.

For the purposes of this subsection, "medical information" includes, but is not limited to, any information revealing or concerning a person's injury or injuries, physical health status, mental health status, medication use, medical history or medical treatment.

[PL 2015, c. 153, §1 (AMD).]

2. Confidentiality. Confidential information may not be utilized for commercial purposes and may not be disclosed in any manner except as follows:

A. A public safety answering point may disclose confidential information to public or private safety agencies and emergency responders for purposes of processing emergency calls and providing emergency services; [PL 1997, c. 291, §3 (NEW).]

B. A public safety answering point may disclose confidential information to a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3003, subsection 1-A related to a 9-1-1 call; [PL 2021, c. 365, §29 (AMD); PL 2021, c. 365, §37 (AFF).]

C. A public safety answering point may disclose confidential information to designees of the bureau director for the purpose of system maintenance and quality control; and [PL 1997, c. 291, §3 (NEW).]

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 system to the extent necessary to implement and manage the E-9-1-1 system. [PL 1997, c. 291, §3 (NEW).]

Confidential information that is required to be disclosed to providers of emergency services and providers of emergency support services pursuant to 47 United States Code, Section 222(g) remains subject to the confidentiality provisions of this section, and a provider of emergency services and emergency support services that acquires such confidential information pursuant to that provision of federal law may use the information solely for the purposes of delivering or assisting in the delivery of emergency notification services as defined in 47 United States Code, Section 222(h)(6). System databases, including, but not limited to, those disclosed pursuant to 47 United States Code, Section 222(g), remain the property of the bureau pursuant to section 2926, subsection 6. The name, address and telephone number of any person to whom any outgoing emergency notification call is made using confidential information acquired pursuant to 47 United States Code, Section 222(g) are confidential and may not be disclosed except as provided in this section.

[PL 2021, c. 365, §29 (AMD); PL 2021, c. 365, §37 (AFF).]

3. Disclosure required. The restrictions on disclosure provided under subsection 2 apply only to those portions of databases, reports, audio recordings or other records of the bureau or a public safety answering point that contain confidential information. Other information that appears in those records and other records, except information or records declared to be confidential under other law, is subject to disclosure pursuant to Title 1, section 408-A. The bureau shall develop procedures to ensure protection of confidential records and information and public access to other records and information. Procedures may involve developing edited copies of records containing confidential information or the production of official summaries of those records that contain the substance of all nonconfidential information.

[PL 2011, c. 662, §16 (AMD).]

4. Audio recordings of 9-1-1 calls; confidential. Audio recordings of 9-1-1 calls are confidential and may not be disclosed except as provided in this subsection. Except as provided in subsection 2,

information contained in the audio recordings is public information and must be disclosed in transcript form in accordance with subsection 3. Subject to all the requirements of subsection 2, the bureau or a public safety answering point may disclose audio recordings of 9-1-1 calls in the following circumstances:

A. To persons within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system; [PL 1997, c. 291, §3 (NEW).]

B. To a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3003, subsection 1-A, related to a 9-1-1 call; [PL 2021, c. 365, §30 (AMD); PL 2021, c. 365, §37 (AFF).]

B-1. Directly to the clerk's office of a court presiding over a protection from abuse or protection from harassment action if a party in the action made one or more 9-1-1 calls relevant to the action and that party, or that party's attorney, contacts the custodian of the audio recordings of the call or calls and requests that the recordings be forwarded to that clerk's office for use in a hearing on the complaint for protection from abuse or complaint for protection from harassment. At its discretion, the court presiding over the action may permit the parties to the action, and their attorneys if the parties are represented, to access the recordings and, on a finding of good cause, may permit copies of the recordings to be provided to the parties and their attorneys if the parties are represented. In making a request for recordings pursuant to this paragraph, the party making the request, or that party's attorney, shall provide to the custodian of the audio recordings the names of the parties to the protection from abuse or protection from harassment action, the name of the court presiding over the action and the docket number of the action. The request must be made in writing, including, but not limited to, by electronic mail, and must be made so as to provide a reasonable amount of time for the custodian to search for, retrieve and send the recordings to the clerk's office of the presiding court. The recordings must be sent in a format used by the custodian of the recordings and the courts; [PL 2019, c. 339, §7 (AMD).]

C. To designees of the bureau director for the purpose of system maintenance and quality control; [PL 2015, c. 153, §3 (AMD).]

C-1. To a person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A rule or order of a court of competent jurisdiction.

As used in this paragraph, "agent" means a licensed professional investigator or an expert witness, or a parent, foster parent or guardian if the accused person has not attained 18 years of age; and [PL 2015, c. 153, §4 (NEW).]

D. In accordance with an order issued on a finding of good cause by a court of competent jurisdiction. [PL 1997, c. 291, §3 (NEW).]
[PL 2021, c. 365, §30 (AMD); PL 2021, c. 365, §37 (AFF).]

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 system for processing a request for E-9-1-1 services from that number and for the provision of emergency services resulting from the request.
[PL 1997, c. 291, §3 (NEW).]

6. Penalty for disseminating information. Knowingly disclosing confidential information in violation of subsection 2 or knowingly disclosing audio recordings of 9-1-1 calls in violation of subsection 4 is a Class E crime.

[PL 2019, c. 339, §8 (AMD).]

SECTION HISTORY

PL 1997, c. 291, §3 (NEW). PL 2003, c. 124, §1 (AMD). PL 2007, c. 209, §6 (AMD). PL 2011, c. 623, Pt. D, §1 (AMD). PL 2011, c. 662, §16 (AMD). PL 2015, c. 153, §§1-4 (AMD). PL 2019, c. 84, §1 (AMD). PL 2019, c. 339, §§6-8 (AMD). PL 2021, c. 365, §§29, 30 (AMD). PL 2021, c. 365, §37 (AFF).

§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 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 system.

[PL 1997, c. 291, §3 (NEW).]

2. Telecommunications providers. A telecommunications provider assisting in the implementation and operation of the statewide E-9-1-1 system, including, but not limited to, the development, establishment and maintenance of the E-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 system or inadequacy in the provision of E-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 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 [PL 1999, c. 209, §1 (NEW).]

B. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-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 system, without limitation on the amount. [PL 1999, c. 209, §1 (NEW).]

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 employee of a local exchange carrier, commercial mobile service provider or interconnected voice over Internet protocol 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 acting within the scope of the agent's agency.

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

[PL 2007, c. 504, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 291, §3 (NEW). PL 1999, c. 209, §1 (AMD). PL 2007, c. 68, §10 (AMD). PL 2007, c. 504, §1 (AMD).

§2931. Misuse of E-9-1-1 system

1. Prohibited use. A person is guilty of misuse of the E-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; [PL 2019, c. 339, §9 (AMD).]

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 [PL 2019, c. 339, §9 (AMD).]

C. Violates paragraph B after having previously violated paragraph B. [PL 2003, c. 452, Pt. N, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2019, c. 339, §9 (AMD).]

2. Penalty.

[PL 2003, c. 452, Pt. N, §9 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

2-A. Penalty. The following penalties apply to violations of this section.

A. Violation of subsection 1, paragraph A or C is a Class E crime. Violation of subsection 1, paragraph A or C is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. N, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violation of subsection 1, paragraph B is a civil violation for which a fine of not more than \$500 may be adjudged. [PL 2003, c. 452, Pt. N, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. N, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1997, c. 291, §3 (NEW). PL 1999, c. 80, §1 (RPR). PL 2003, c. 452, §§N7-10 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2019, c. 339, §9 (AMD).

§2932. Designated emergency telephone number

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 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.

[PL 2021, c. 348, §38 (AMD).]

2. Publishing of 9-1-1. A publisher of a directory of Maine telephone numbers for use by telephone subscribers in Maine must include in a conspicuous portion of the directory:

A. [PL 2015, c. 62, §2 (RP).]

B. The telephone number 9-1-1 as the primary telephone number to request emergency services. The number "9-1-1" must be accompanied by words indicating it is accessible by teletypewriter device, or TTY, such as "TTY/Voice." [PL 2015, c. 62, §2 (AMD).]

[PL 2015, c. 62, §2 (AMD).]

3. Commercial use of the number 9-1-1. The number 9-1-1 may not be used for commercial purposes in a manner that is deceptive or likely to produce confusion with respect to its use as the primary emergency telephone number to request emergency services.

[PL 1999, c. 651, §3 (NEW).]

4. Display of 9-1-1. When displayed on signs and in other formats designed to advertise the number and its use to the public printed after the effective date of this subsection or on emergency vehicles, 9-1-1 must be:

A. Printed in plain block numerals with a dash between the numerals; [PL 1999, c. 651, §3 (NEW).]

B. Accompanied by the word "emergency"; and [PL 1999, c. 651, §3 (NEW).]

C. Except in the case of emergency vehicles, accompanied by words indicating accessibility by teletypewriter device, such as "TTY/Voice." [PL 1999, c. 651, §3 (NEW).]
[PL 1999, c. 651, §3 (NEW).]

5. Penalty. A violation of subsection 1 or 3 is a civil offense for which a forfeiture of up to \$500 may be adjudged. A forfeiture may not be imposed under this subsection unless the person alleged to have violated subsection 1 received notification from the bureau director that the person's promotion or advertisement of a number other than 9-1-1 for emergency response services is, in the opinion of the bureau director, a violation of subsection 1 or the person alleged to have violated subsection 3 received notification from the bureau director that the person's commercial use of the number 9-1-1 is, in the opinion of the bureau director, a violation of subsection 3. A person alleged to have violated either subsection 1 or 3 must be provided an opportunity to respond to a notification of violation prior to the filing of an action pursuant to this subsection.
[PL 2015, c. 62, §3 (AMD).]

SECTION HISTORY

PL 1999, c. 651, §3 (NEW). PL 2015, c. 62, §§1-3 (AMD). PL 2021, c. 348, §38 (AMD).

§2933. Local exchange carrier participation

1. Implementation of E-9-1-1 by local exchange carrier. Each local exchange carrier offering service over the public switched network, in accordance with rules and procedures adopted by the bureau, shall implement the E-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 system.
[PL 2001, c. 53, §2 (NEW).]

2. Required information for E-9-1-1 database. Each local exchange carrier 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 database and service in accordance with the rules adopted by the bureau.
[PL 2001, c. 53, §2 (NEW).]

3. Coordination of E-9-1-1 service; coordinator. Each local exchange carrier and cellular or wireless telecommunications service provider within the State shall coordinate all implementation, operation and maintenance directly relating to E-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.
[PL 2001, c. 53, §2 (NEW).]

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

A. An administrative penalty of up to \$1,000 for each day of the violation; and [PL 2001, c. 53, §2 (NEW).]

B. In extraordinary cases, as determined by the Public Utilities Commission, revocation of the commission's authorization of the local exchange carrier's authority to provide local exchange service in this State. [PL 2001, c. 53, §2 (NEW).]

[PL 2003, c. 505, §5 (AMD).]

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 505, §6 (AMD).]

SECTION HISTORY

PL 2001, c. 53, §2 (NEW). PL 2001, c. 667, §C16 (AMD). PL 2003, c. 505, §§5,6 (AMD).

§2934. Multiline telephone systems

1. Requirements. The bureau 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; [PL 2003, c. 478, §1 (NEW).]

B. Apply only to multiline telephone systems installed, introduced, established or replaced after the effective date of the rules; [PL 2003, c. 478, §1 (NEW).]

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 [PL 2019, c. 339, §10 (AMD).]

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. [PL 2003, c. 478, §1 (NEW).]

[PL 2019, c. 339, §10 (AMD).]

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.

[PL 2003, c. 478, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 478, §1 (NEW). PL 2017, c. 48, §1 (AMD). PL 2019, c. 339, §10 (AMD).

§2934-A. Emergency calling from multiline telephone systems

1. Direct dialing of 911. A public or private entity that installs or operates a multiline telephone system shall ensure that the system is connected to the public switched telephone network in such a way that when an individual using the system dials 911, the call connects to the public safety answering point without requiring the user to first dial any other number or set of numbers. This subsection does not apply to any local unit of government if complying would necessitate additional expenditures from local revenues.

[PL 2017, c. 48, §2 (NEW).]

2. Compliance period. A public or private entity shall comply with subsection 1 within one year after the effective date of this section or, if the public or private entity does not have a multiline telephone system capable of complying with subsection 1, by the date that the multiline telephone system is next upgraded to a system capable of complying with subsection 1.

[PL 2017, c. 48, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 48, §2 (NEW).

§2935. E-9-1-1 access-only service

1. Provision of E-9-1-1 access-only service. It is the policy of this State that E-9-1-1 be broadly available where it is economically and technologically practical. The bureau shall, by rule, establish

requirements for the provision of E-9-1-1 access-only service, including, but not limited to, the circumstances in which E-9-1-1 access-only service is and is not required and which telephone service providers are and are not subject to the requirements.

[PL 2007, c. 226, §2 (NEW).]

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

[PL 2007, c. 226, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 226, §2 (NEW).

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