

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

**'An Act Relating to the Recommendations of the Office
of Program Evaluation and Government Accountability
Regarding Emergency Communications Services'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Whereas, in order to ensure the public safety and health and avoid confusion with regard to the E911 surcharge, the provisions of this legislation must take effect as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §1531, sub-§2, ¶E, as enacted by PL 2003, c. 678, §2, is amended to read:

E. ~~A representative of participating municipalities with populations of less than 5,000, selected from and recommended by the boards of selectmen, town councils or city councils of those municipalities~~Three representatives of municipalities recommended by a statewide association of municipalities and appointed by the Governor;

Sec. 2. 25 MRSA §1531, sub-§2, ¶F, as enacted by PL 2003, c. 678, §2, is repealed.

Sec. 3. 25 MRSA §1531, sub-§2, ¶G, as enacted by PL 2003, c. 678, §2, is repealed.

Sec. 4. 25 MRSA §1531, sub-§4, ¶B, as enacted by PL 2003, c. 678, §2, is amended to read:

B. ~~The member~~3 members representing municipalities with populations of less than 5,000 ~~is~~serve for ~~staggered~~ terms, with ~~one member~~ appointed for a one-year term, ~~the member representing municipalities with populations of 5,000 or more but less than 15,000 is~~one member appointed for a 2-year term and the member representing municipalities with populations of 15,000 or more ~~is~~one member appointed for a 3-year term;

Sec. 5. 25 MRSA §1535, as enacted by PL 2007, c. 622, §1, is amended to read:

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

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

1. Fees. The board shall seek to establish fees under this section that are based on the incremental costs of providing public safety answering point services and dispatch services to political subdivisions.

2. Base funding level. In order to determine incremental costs under subsection 1, the board shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and E911 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the board from its determination of incremental costs under subsection 1.

Sec. 6. 25 MRSA §2926, sub-§1-A is enacted to read:

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.

Sec. 7. 25 MRSA §2927, sub-§1-B, as repealed by PL 2009, c. 400, §6 and affected by §15 and amended by c. 416, §1, is repealed.

Sec. 8. 25 MRSA §2927, sub-§1-E, ¶A, as enacted by PL 2009, c. 400, §9 and affected by §15, is amended to read:

A. ~~The statewide E911 surcharge is 30¢ per month per line or number. Beginning July 1, 2010,~~ the statewide E911 surcharge is 45¢ per month per line or number. The statewide E911 surcharge may not be imposed on more than 25 lines or numbers per customer billing account.

Sec. 9. 25 MRSA §2927, sub-§1-F, ¶A, as enacted by PL 2009, c. 400, §10 and affected by §15, is amended to read:

A. ~~The prepaid wireless E-9-1-1 surcharge is 30¢ per retail transaction. Beginning July 1, 2010,~~ the prepaid wireless E911 surcharge is 45¢ per retail transaction.

Sec. 10. 25 MRSA §2927, sub-§3-B is enacted to read:

3-B. Support of supervisory positions. Revenues in the E911 fund may be used to fund 2 legislatively authorized supervisory positions relating to emergency dispatch and E911 call-taking services provided by the department.

This subsection is repealed on June 30, 2011.

Sec. 11. 25 MRSA §2927, sub-§5, as amended by PL 2009, c. 122, §6 and c. 219, §3, is repealed and the following enacted in its place:

5. Legislative annual report. The bureau shall include in the Public Utilities Commission's annual report pursuant to Title 35A, 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 E911 surcharge collected under this section;

C. The bureau's recommended statewide E911 surcharge for the coming year;

D. The bureau's recommendations for amending existing and enacting new law to improve the E911 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 1A and any recommendations of the bureau relating to the emergency dispatching standards, practices and procedures of public safety answering points.

Sec. 12. Transition. The terms of the 3 members of the Maine Communications System Policy Board who are first appointed under the section of this Act that amends the Maine Revised Statutes, Title 25, section 1531, subsection 2, paragraph E must be staggered, with one member appointed for a one-year term, one member appointed for a 2-year term and one member appointed for a 3-year term.

Sec. 13. Retroactivity; application. That section of this Act that repeals the Maine Revised Statutes, Title 25, section 2927, subsection 1B and those sections that amend Title 25, section 2927, subsections 1E and 1F apply retroactively to January 1, 2010. The provisions of Title 25, section 2927, subsection 1F, paragraph F do not apply to that section of this Act that amends Title 25, section 2927, subsections 1F, paragraph A.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Emergency Services Communication Bureau 0994

Initiative: Allocates funds for consulting services to implement an E911 quality assurance program.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$150,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$150,000

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

SUMMARY

This amendment replaces the bill. The amendment:

1. Modifies the makeup of the Maine Communications System Policy Board to provide that the 3 municipal members are nominated by a statewide municipal association. It removes the requirements that these members must represent towns of specific sizes and be participants in the cooperative use of the Department of Public Safety's communications systems;

2. Removes the authority of the Public Utilities Commission to establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the Department of Public Safety. It gives this authority to the Maine Communications System Policy Board and directs the board to set fees based on the department's incremental costs of providing such services to political subdivisions;

3. Directs the Public Utilities Commission, Emergency Services Communications Bureau to develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points;

4. Authorizes the use of the E911 fund to support legislatively authorized supervisory positions relating to emergency dispatch and E911 call-taking services provided by the Department of Public Safety until June 30, 2011;

5. Modifies the E911 surcharge that is currently scheduled to increase to 52¢ on July 1, 2010 to provide that it increases to 45¢ instead;

6. Corrects a conflict created when Public Law 2009, chapter 400 repealed the Maine Revised Statutes, Title 25, section 2927, subsection 1B and enacted related provisions in Title 25, section 2927, subsections 1E and 1F, and chapter 416 amended Title 25, section 2927, subsection 1B. The conflict is corrected by repealing Title 25, section 2927, subsection 1B and incorporating the changes to rates made by Public Law 2009, chapter 416 in Title 25, section 2927, subsections 1E and 1F. The corrections are applied retroactively to January 1, 2010, the effective date of Public Law 2009, chapter 400. The modification of the surcharge on prepaid wireless telecommunications service that will take effect on July 1, 2010 is exempted from a provision of law that provides that a change in that surcharge does not take effect until 60 days after enactment of the change; and

7. Adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

HP1297, LD 1813, item 2, 124th Maine State Legislature , Amendment C "A", Filing Number H-806, Sponsored by
'An Act Relating to the Recommendations of the Office of Program Evaluation
and Government Accountability Regarding Emergency Communications Services'

(See attached)