

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

An Act To Improve and Ensure Adequate Funding for E-9-1-1 Services

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

Whereas, the State's E-9-1-1 service provides significant public safety benefits by enabling the public to dial 9-1-1 in the event of an emergency; and

Whereas, the State and the nation are preparing to migrate to the next evolutionary step in 9-1-1 service, known as Next Generation 9-1-1, which uses Internet protocol and will enable the public to send emergency communications to public safety answering points via text messaging, photographs, video and other data and will enhance the information available to public safety answering points and first responders for assessing and responding to emergencies; and

Whereas, incorporating text messaging and other media capabilities into the E-9-1-1 service will make it more accessible to the public, both for people with disabilities and for people in situations in which placing a voice call to 9-1-1 could be difficult or dangerous; and

Whereas, the E-9-1-1 service is funded by a surcharge on telephone lines; and

Whereas, the E-9-1-1 surcharge is established in statute and an increase in the E-9-1-1 surcharge is necessary to ensure that the surcharge amount going forward is consistent with expenditure needs; 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 §2921, sub-§6, as enacted by PL 1987, c. 840, §3, is amended to read:

6. Enhanced 9-1-1 services. "Enhanced 9-1-1 services" or "E-9-1-1" means a system consisting of selective 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 and public safety answering points, which enables users of the public telecommunications' system to request emergency services by dialing the digits 9-1-1. "Enhanced 9-1-1 services" or "E-9-1-1" includes Internet protocol enabled services.

Sec. 2. 25 MRSA §2921, sub-§6-C is enacted to read:

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.

Sec. 3. 25 MRSA §2926, sub-§1, as amended by PL 2003, c. 359, §2, is further amended to read:

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 new communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points.

Sec. 4. 25 MRSA §2927, sub-§1-E, ¶A, as amended by PL 2009, c. 617, §8 and affected by §13, is further amended to read:

A. ~~The statewide E-9-1-1 surcharge is 37¢ per month per line or number. Beginning July 1, 2010, the statewide E-9-1-1 surcharge is 45¢~~50¢ per month per line or number. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account.

Sec. 5. 25 MRSA §2927, sub-§1-F, ¶A, as amended by PL 2009, c. 617, §9 and affected by §13, is further amended to read:

A. ~~The prepaid wireless E-9-1-1 surcharge is 37¢ per retail transaction. Beginning July 1, 2010, the prepaid wireless E-9-1-1 surcharge is 45¢~~50¢ per retail transaction.

Sec. 6. 25 MRSA §2927, sub-§2-B, as amended by PL 2009, c. 400, §12 and affected by §15, is further amended to read:

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 below \$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;
- B. The calculation used to arrive at the uncollectible amount of surcharge;
- C. The total surcharge;
- D. The month and year for which surcharge is remitted;
- E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; and
- F. The preparer's name and telephone number.

Prepaid wireless E-9-1-1 surcharges collected by sellers must be remitted to the Treasurer of State in accordance with subsection 1-F, paragraph G.

Sec. 7. 25 MRSA §2927, sub-§3, as amended by PL 2005, c. 303, §1, is further amended to read:

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 new 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;
- B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided; and
- 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.

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B.

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

SUMMARY

This bill takes initial steps to update the State's emergency services communications laws as the State and the nation prepare to migrate to the next evolutionary step in 9-1-1 service, increases the E-9-1-1 monthly surcharge by 5¢ and changes the E-9-1-1 surcharge remittance from monthly to quarterly for

local exchange telephone utilities, cellular or wireless providers and interconnected voice over Internet protocol providers whose average monthly surcharge remittance payment for the prior calendar year is less than \$5,000.