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H.P. 415

House of Representatives, February 25, 2025

An Act Regarding Telephone and Video Call Access in Detention and Correctional Facilities and Jails

Received by the Clerk of the House on February 20, 2025. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLIKEN of Blue Hill.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: BISHOP of Bucksport, BOYER of Poland, FREDERICKS of Sanford,
GUERRETTE of Caribou, MATHIESON of Kittery, SARGENT of York, SAYRE of
Kennebunk, WARREN of Scarborough.

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

2 **Sec. 1. 30-A MRSA §1566**, as enacted by PL 2021, c. 615, Pt. B, §1, is amended to
3 read:

4 **§1566. Telephone and video call services in jails**

5 Beginning October 1, ~~2022~~ 2025, a jail and a service provider that contracts with the
6 jail to provide telephone and video call services for residents of the jail shall provide
7 telephone and video call services in accordance with this section.

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

10 A. "Jail" means a county or municipal detention facility for which standards are set by
11 the Commissioner of Corrections under Title 34-A, section 1208 or a facility for which
12 standards are set by the Commissioner of Corrections under Title 34-A, section
13 1208-A.

14 B. "Resident" means a person who resides in a jail.

15 C. "Service provider" means an entity that provides telephone or video call services
16 by contract with a jail through which a resident initiates outgoing telephone or video
17 calls from the jail.

18 **2. Requirements for service providers.** A service provider that enters into or renews
19 a contract on or after October 1, ~~2022~~ 2025 with a jail to provide outgoing interstate and
20 intrastate telephone and video call services is subject to the following requirements. ~~The~~
21 ~~rates and charges that the service provider may charge for interstate and intrastate telephone~~
22 ~~calls made by residents may not exceed the rates for interstate telephone calls adopted by~~
23 ~~the Federal Communications Commission in effect on the date of the contract.~~

24 A. The rates and charges that the service provider may charge for interstate and
25 intrastate telephone and video calls made by residents may not exceed the rates for
26 interstate telephone and video calls adopted by the Federal Communications
27 Commission in effect on the date of the contract.

28 B. A service provider may not charge a fee to a resident, a jail or a county or
29 municipality for providing the free outgoing telephone or video calls required pursuant
30 to subsection 3, paragraphs A and B.

31 C. A service provider may not charge a connection fee to a resident to initiate an
32 outgoing telephone or video call.

33 D. A service provider shall permit the receiving party of a telephone or video call to
34 terminate the telephone or video call prior to connection without the resident or
35 receiving party incurring a charge.

36 E. A service provider may not block a collect telephone or video call to a receiving
37 party because the service provider lacks a prior billing relationship with the receiving
38 party's telephone or video call service provider unless the service provider offers debit,
39 prepaid or prepaid collect calling options.

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

1 G. A service provider may not charge a fee to deposit money into a resident’s telephone
2 or video call account.

3 **3. Resident right to make telephone and video calls.** A sheriff or jailer shall provide
4 a resident with a reasonable opportunity to make interstate and intrastate telephone and
5 video calls in accordance with jail policies and institutional procedures and in accordance
6 with the following.

7 A. A sheriff or jailer shall provide a resident with a reasonable opportunity to make
8 telephone and video calls to relatives and friends, except that the sheriff or jailer may
9 restrict or prohibit telephone and video calls when the restriction or prohibition is
10 necessary for the security of the jail. A sheriff or jailer shall provide to a resident who
11 has less than \$50 in the resident's jail account a telephone and video call allowance for
12 90 minutes of free telephone and video calls per week under this paragraph. Unused
13 minutes must carry over to the next week.

14 B. A sheriff or jailer shall provide a resident with a reasonable opportunity to make
15 telephone and video calls protected by the attorney-client privilege. A sheriff or jailer
16 shall provide a resident free telephone and video calls with the resident's attorney.

17 **Sec. 2. 34-A MRSA §3015,** as amended by PL 2023, c. 217, §1, is further amended
18 to read:

19 **§3015. Telephone and video call services in Department of Corrections facilities**

20 Beginning October 1, ~~2022~~ 2025, the department and a service provider that contracts
21 with the department to provide telephone and video call services for residents of a
22 department facility shall provide telephone and video call services in accordance with this
23 section.

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

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

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

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

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

35 A. The department shall provide a resident with a reasonable opportunity to make
36 telephone and video calls to relatives and friends, except that the department may
37 restrict or prohibit telephone and video calls when the restriction or prohibition is
38 necessary for the security of the department facility. The department shall provide to a
39 resident ~~who has less than \$10 in the resident's facility account~~ a free telephone and
40 video call allowance for ~~30~~ 90 minutes of free telephone and video calls per week under
41 this paragraph. Unused minutes must carry over to the next week.

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

6 The chief administrative officer of each department facility shall draft, publish and
7 implement guidelines governing resident access to free telephone and video calls as
8 required by paragraphs A and B in that facility.

9 **3. Requirements for service providers.** A service provider that enters into or renews
10 a contract on or after October 1, ~~2022~~ 2025 with the department to provide outgoing
11 interstate and intrastate telephone and video call services is subject to the following
12 requirements.

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

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

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

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

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

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

31 G. A service provider may not charge a fee to deposit money into a resident's telephone
32 or video call account.

33 **Sec. 3. Application.** That portion of this Act that amends the Maine Revised
34 Statutes, Title 30-A, section 1566, subsection 2 applies to all contracts for telephone and
35 video call services entered into or renewed by or on behalf of a jail on or after October 1,
36 2025. That portion of this Act that amends Title 34-A, section 3015, subsection 3 applies
37 to all contracts for telephone and video call services entered into or renewed by the
38 Department of Corrections on or after October 1, 2025.

39 **SUMMARY**

40 This bill amends the laws governing telephone services for residents of detention and
41 correctional facilities and jails to include video call services. For a detention or correctional
42 facility administered by the Department of Corrections, it requires the department to

1 provide a resident a telephone and video call allowance for 90 minutes of free telephone
2 and video calls per week. The department also must provide a resident free telephone and
3 video calls with the resident's attorney. A service provider may not charge a fee to deposit
4 money into a resident's telephone or video call account. For a municipal or county jail, it
5 requires the sheriff or jailer to provide a resident with a reasonable opportunity to make
6 telephone and video calls to relatives and friends, except that the sheriff or jailer may
7 restrict or prohibit telephone and video calls when the restriction or prohibition is necessary
8 for the security of the jail. The sheriff or jailer must provide to a resident who has less than
9 \$50 in the resident's jail account a telephone and video call allowance for 90 minutes of
10 free telephone and video calls per week. The sheriff or jailer also must provide a resident
11 with a reasonable opportunity to make telephone and video calls protected by the attorney-
12 client privilege. The sheriff or jailer must provide a resident free telephone and video calls
13 with the resident's attorney. The bill specifies requirements for service providers regarding
14 outgoing interstate and intrastate telephone and video calls.