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H.P. 1281

House of Representatives, May 30, 2019

**An Act To Modernize the E-9-1-1 Laws To Include Text Messaging
and Other Methods of Contacting E-9-1-1**

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.
Reference to the Committee on Energy, Utilities and Technology suggested and ordered
printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BERRY of Bowdoinham.

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

2 **Sec. 1. 25 MRSA §1533**, as amended by PL 2013, c. 19, §4, is further amended to
3 read:

4 **§1533. Bureau of Consolidated Emergency Communications**

5 The Bureau of Consolidated Emergency Communications, referred to in this chapter
6 as "the bureau," is established within the department for the provision of emergency
7 dispatch and ~~E-9-1-1~~ 9-1-1 call-taking services to municipal, county and state
8 government entities.

9 As used in this section, "9-1-1 call" has the same meaning as in Title 25, section
10 2921, subsection 17.

11 **1. Coordination with the Public Utilities Commission.** In accordance with a
12 designation made by the Public Utilities Commission, the department shall provide
13 ~~E-9-1-1~~ 9-1-1 call-taking services.

14 **2. Director; duties.** The Commissioner of Public Safety shall hire a Director of the
15 Bureau of Consolidated Emergency Communications, referred to in this chapter as "the
16 director." The director shall establish and carry out policies and procedures. The director
17 shall administer the bureau to safeguard the public safety by the provision of 24-hour per
18 day ~~E-9-1-1~~ 9-1-1 call-taking and dispatching services to first responders.

19 **Sec. 2. 25 MRSA §1535**, as amended by PL 2013, c. 19, §5, is further amended by
20 adding after the first paragraph a new paragraph to read:

21 As used in this section, "9-1-1 call" has the same meaning as in Title 25, section
22 2921, subsection 17.

23 **Sec. 3. 25 MRSA §1535, sub-§2**, as amended by PL 2013, c. 19, §5, is further
24 amended to read:

25 **2. Base funding level.** In order to determine incremental costs under subsection 1,
26 the bureau shall first establish a base funding level, consistent with the department's
27 legislatively approved budget for public safety answering point services and dispatch
28 services, required to provide public safety answering point services and dispatch services
29 to State Government entities. The base funding level must be based on services provided
30 by the department prior to the provision of emergency dispatch and ~~E-9-1-1~~ 9-1-1 call-
31 taking services to municipal and county governments as a result of actions taken by the
32 bureau under section 1533. The base funding level must be excluded by the bureau from
33 its determination of incremental costs under subsection 1.

34 **Sec. 4. 25 MRSA §2921, sub-§17** is enacted to read:

35 17. 9-1-1 call. "9-1-1 call" means any use of enhanced 9-1-1 services initiated by
36 any means or medium, including, but not limited to, voice calls and text messaging.

1 **Sec. 5. 25 MRSA §2926, sub-§2, ¶B**, as amended by PL 2001, c. 439, Pt. EEEE,
2 §3, is further amended to read:

3 B. Development of minimum public safety answering point requirements including
4 24-hour operation; emergency backup power; secured communication areas; separate
5 administrative phone lines for nonemergency calls; call recording and playback
6 equipment; TDD equipment, as defined in Title 35-A, section 8702, subsection 6;
7 maximum call handling times; and minimum mandatory staff training requirements
8 for ~~E-9-1-1~~ 9-1-1 call answering and dispatching;

9 **Sec. 6. 25 MRSA §2929, sub-§2, ¶B**, as amended by PL 2015, c. 153, §2, is
10 further amended to read:

11 B. A public safety answering point may disclose confidential information to a
12 criminal justice agency, as defined in Title 16, section 803, subsection 4, for the
13 purposes of the administration of criminal justice, as defined in Title 16, section 803,
14 subsection 2, and the administration of juvenile justice, as defined in Title 15, section
15 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

16 **Sec. 7. 25 MRSA §2929, sub-§4**, as amended by PL 2019, c. 84, §1, is further
17 amended to read:

18 **4. Audio recordings of 9-1-1 calls; confidential.** Audio recordings of ~~emergency~~
19 9-1-1 calls ~~made to the E-9-1-1 system~~ are confidential and may not be disclosed except
20 as provided in this subsection. Except as provided in subsection 2, information contained
21 in the audio recordings is public information and must be disclosed in transcript form in
22 accordance with subsection 3. Subject to all the requirements of subsection 2, the bureau
23 or a public safety answering point may disclose audio recordings of ~~emergency~~ 9-1-1
24 calls ~~made to the E-9-1-1 system~~ in the following circumstances:

25 A. To persons within the E-9-1-1 system to the extent necessary to implement and
26 manage the E-9-1-1 system;

27 B. To a criminal justice agency, as defined in Title 16, section 803, subsection 4, for
28 the purposes of the administration of criminal justice, as defined in Title 16, section
29 803, subsection 2, and the administration of juvenile justice, as defined in Title 15,
30 section 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

31 B-1. Directly to the clerk's office of a court presiding over a protection from abuse or
32 protection from harassment action if a party in the action made one or more ~~E-9-1-1~~
33 9-1-1 calls relevant to the action and that party, or that party's attorney, contacts the
34 custodian of the audio recordings of the call or calls and requests that the recordings
35 be forwarded to that clerk's office for use in a hearing on the complaint for protection
36 from abuse or complaint for protection from harassment. At its discretion, the court
37 presiding over the action may permit the parties to the action, and their attorneys if
38 the parties are represented, to access the recordings and, on a finding of good cause,
39 may permit copies of the recordings to be provided to the parties and their attorneys if
40 the parties are represented. In making a request for recordings pursuant to this
41 paragraph, the party making the request, or that party's attorney, shall provide to the
42 custodian of the audio recordings the names of the parties to the protection from

1 abuse or protection from harassment action, the name of the court presiding over the
2 action and the docket number of the action. The request must be made in writing,
3 including, but not limited to, by electronic mail, and must be made so as to provide a
4 reasonable amount of time for the custodian to search for, retrieve and send the
5 recordings to the clerk's office of the presiding court. The recordings must be sent in
6 a format used by the custodian of the recordings and the courts;

7 C. To designees of the bureau director for the purpose of system maintenance and
8 quality control;

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

11 (1) The responsible prosecutorial office or prosecutor; or

12 (2) A rule or order of a court of competent jurisdiction.

13 As used in this paragraph, "agent" means a licensed professional investigator or an
14 expert witness, or a parent, foster parent or guardian if the accused person has not
15 attained 18 years of age; and

16 D. In accordance with an order issued on a finding of good cause by a court of
17 competent jurisdiction.

18 **Sec. 8. 25 MRSA §2929, sub-§6**, as amended by PL 2007, c. 209, §6, is further
19 amended to read:

20 **6. Penalty for disseminating information.** Knowingly disclosing confidential
21 information in violation of subsection 2 or knowingly disclosing audio recordings of
22 ~~emergency calls to the E-9-1-1 system~~ 9-1-1 calls in violation of subsection 4 is a Class E
23 crime.

24 **Sec. 9. 25 MRSA §2931, sub-§1, ¶¶A and B**, as amended by PL 2003, c. 452,
25 Pt. N, §7 and affected by Pt. X, §2, are further amended to read:

26 A. Makes repeated telephone 9-1-1 calls ~~to a public safety answering point by~~
27 ~~dialing 9-1-1~~ to make nonemergency reports or inquiries;

28 B. Causes telephone 9-1-1 calls to be made ~~to a public safety answering point~~ using
29 an alarm or other alerting device that automatically ~~dials~~ contacts 9-1-1 and transmits
30 a prerecorded signal or message; or

31 **Sec. 10. 25 MRSA §2934, sub-§1**, as amended by PL 2017, c. 48, §1, is further
32 amended to read:

33 **1. Requirements.** The bureau may by rule establish requirements for locating
34 ~~emergency~~ 9-1-1 calls, and initiating emergency responses to such calls, made from
35 within multiline telephone systems, including network-based or premises-based systems
36 and voice over Internet protocol systems, whether owned or leased by a public or private
37 entity, such as private branch exchanges or Centrex systems. Rules adopted pursuant to
38 this section:

1 A. May not require any local unit of government to expand or modify its activities so
2 as to necessitate additional expenditures from local revenues;

3 B. Apply only to multiline telephone systems installed, introduced, established or
4 replaced after the effective date of the rules;

5 C. Must provide for appropriate standards, exemptions and waivers that balance the
6 benefits of improved methods of locating ~~emergency~~ 9-1-1 calls, and initiating
7 emergency responses to such calls, made from within multiline telephone systems
8 and the cost of achieving those improvements. The rules must allow, in appropriate
9 circumstances, for methods that do not utilize automatic location identification and
10 automatic number identification standards used in processing ~~enhanced~~ 9-1-1 calls;
11 and

12 D. May establish appropriate technical, procedural or any other standards relating to
13 multiline telephone systems, telecommunications carrier interconnectivity, databases,
14 dialing instructions, signaling or other matters necessary or appropriate to carry out
15 the purposes of this section.

16 **Sec. 11. 32 MRSA §85-A, sub-§1, ¶B**, as enacted by PL 2005, c. 303, §3, is
17 amended to read:

18 B. "Emergency Medical Dispatch Priority Reference System" means a system
19 approved by the bureau and the board that includes:

- 20 (1) A protocol for emergency medical dispatcher response to 9-1-1 calls;
- 21 (2) A continuous quality improvement program that measures compliance with
22 the protocol through ongoing random case review of each emergency medical
23 dispatcher; and
- 24 (3) A training curriculum and testing process consistent with the protocol.

25 **Sec. 12. 32 MRSA §85-A, sub-§1, ¶C**, as amended by PL 2007, c. 42, §1, is
26 further amended to read:

27 C. "Emergency medical dispatch services" means any of the following services
28 provided in the context of ~~an emergency a 9-1-1 call made to the E-9-1-1 system:~~

- 29 (1) Reception, evaluation or processing of calls;
- 30 (2) Provision of dispatch life support;
- 31 (3) Management of requests for emergency medical assistance; and
- 32 (4) Evaluation or improvement of the emergency medical dispatch process,
33 including identifying the nature of an emergency request, prioritizing the urgency
34 of a request, dispatching necessary resources, providing medical aid and safety
35 instructions to the caller and coordinating the responding resources as needed.

36 **Sec. 13. 32 MRSA §85-A, sub-§1, ¶G** is enacted to read:

37 G. "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

