

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 439, L.D. 658, Bill, “An Act To Allow Text Messaging for Reporting Emergencies”

Amend the bill by striking out all of sections 3 to 6 and inserting the following:

Sec. 3. 25 MRSA §2926, sub-§2, ¶K is enacted to read:

K. Standards and procedures for acceptance of text messages by the E-9-1-1 system and acceptance of text messages by at least one public safety answering point beginning July 1, 2017 from all cellular or wireless telecommunications service providers in the State as required by the Federal Communications Commission.

Sec. 4. 25 MRSA §2929, sub-§1, as amended by PL 2011, c. 623, Pt. D, §1, is further amended to read:

1. Definition. As used in this section, "confidential information" means the following information as contained in any database, report, audio recording, digital communication 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;
- B. Names, addresses and telephone numbers that are omitted from a telephone utility directory list at the request of a customer;
- C. The name, address and telephone number of a caller to a public safety answering point; or
- D. The name, address and telephone number of and any medical information about a person receiving emergency services through the E-9-1-1 system.

Sec. 5. 25 MRSA §2929, sub-§3, as amended by PL 2011, c. 662, §16, is further amended to read:

3. Disclosure required. The restrictions on disclosure provided under subsection 2 apply only to those portions of databases, reports, audio recordings, digital communications or other records of the bureau or a public safety answering point that

COMMITTEE AMENDMENT

1 contain confidential information. Other information that appears in those records and
2 other records, except information or records declared to be confidential under other law,
3 is subject to disclosure pursuant to Title 1, section 408-A. The bureau shall develop
4 procedures to ensure protection of confidential records and information and public access
5 to other records and information. Procedures may involve developing edited copies of
6 records containing confidential information or the production of official summaries of
7 those records that contain the substance of all nonconfidential information.

8 **Sec. 6. 25 MRSA §2929, sub-§4**, as enacted by PL 1997, c. 291, §3, is amended
9 to read:

10 **4. Audio recordings of E-9-1-1 calls and digital communications to E-9-1-1;**
11 **confidential.** Audio recordings of emergency calls made to the E-9-1-1 system and
12 emergency digital communications sent to the E-9-1-1 system are confidential and may
13 not be disclosed except as provided in this subsection. Except as provided in subsection
14 2, information contained in the audio recordings and digital communications is public
15 information and must be disclosed in transcript form in accordance with subsection 3.
16 Subject to all the requirements of subsection 2, the bureau or a public safety answering
17 point may disclose audio recordings of emergency calls made to the E-9-1-1 system and
18 emergency digital communications sent to the E-9-1-1 system in the following
19 circumstances:

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

22 B. To a law enforcement officer or law enforcement agency for the purpose of
23 criminal investigations related to an E-9-1-1 call or digital communication;

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

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

28 **Sec. 7. 25 MRSA §2929, sub-§6**, as amended by PL 2007, c. 209, §6, is further
29 amended to read:

30 **6. Penalty for disseminating information.** Knowingly disclosing confidential
31 information in violation of subsection 2 or knowingly disclosing audio recordings of
32 emergency calls to the E-9-1-1 system or emergency digital communications sent to the
33 E-9-1-1 system in violation of subsection 4 is a Class E crime.'

34 SUMMARY

35 This amendment is the minority report of the committee. The amendment changes
36 the provision of the bill that requires the Public Utilities Commission, Emergency
37 Services Communication Bureau to develop standards and procedures for the acceptance
38 of text messages by all public safety answering points beginning July 1, 2016 to a
39 provision that requires the bureau to develop standards and procedures for acceptance of
40 text messages by the E-9-1-1 system and the acceptance of text messages by at least one
41 public safety answering point from all cellular and wireless telecommunications service
42 providers in the State as required by the Federal Communications Commission beginning

1 July 1, 2017. The amendment changes the provisions of the bill regarding the
2 confidentiality of text messages sent to the E-9-1-1 system to provide that all digital
3 communications sent to the E-9-1-1 system are confidential, subject to the same
4 exceptions that apply to the confidentiality of audio recordings of emergency calls.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**