

# MAINE STATE LEGISLATURE

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MAJORITY  
UTILITIES AND ENERGY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 712, L.D. 976, Bill, "An Act to Amend the Enhanced 9-1-1 Laws"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 25 MRSA §§2929 to 2931 are enacted to read:

§2929. Confidentiality of system information

1. Definition. As used in this section, "confidential information" means the following information as contained in any database, report, audio recording 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. Customer information, described in Title 35-A, section 7501, subsection 1, that is 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.

COMMITTEE AMENDMENT

2 2. Confidentiality. Confidential information may not be  
3 utilized for commercial purposes and may not be disclosed in any  
4 manner except as follows:

6 A. A public safety answering point may disclose  
7 confidential information to public or private safety  
8 agencies and emergency responders for purposes of processing  
9 emergency calls and providing emergency services;

10 B. A public safety answering point may disclose  
11 confidential information to a law enforcement officer or law  
12 enforcement agency for the purpose of criminal  
13 investigations related to an E-9-1-1 call;

14 C. A public safety answering point may disclose  
15 confidential information to designees of the bureau director  
16 for the purpose of system maintenance and quality control;  
17 and

18 D. The bureau director may disclose confidential information  
19 to public safety answering points, public or private safety  
20 agencies, emergency responders or others within the E-9-1-1  
21 system to the extent necessary to implement and manage the  
22 E-9-1-1 system.

23 3. Disclosure required. The restrictions on disclosure  
24 provided under subsection 2 apply only to those portions of  
25 databases, reports, audio recordings or other records of the  
26 bureau or a public safety answering point that contain  
27 confidential information. Other information that appears in  
28 those records and other records, except information or records  
29 declared to be confidential under other law, is subject to  
30 disclosure pursuant to Title 1, section 408. The bureau shall  
31 develop procedures to ensure protection of confidential records  
32 and information and public access to other records and  
33 information. Procedures may involve developing edited copies of  
34 records containing confidential information or the production of  
35 official summaries of those records that contain the substance of  
36 all nonconfidential information.

37 4. Audio recordings of E-9-1-1 calls; confidential. Audio  
38 recordings of emergency calls made to the E-9-1-1 system are  
39 confidential and may not be disclosed except as provided in this  
40 subsection. Except as provided in subsection 2, information  
41 contained in the audio recordings is public information and must  
42 be disclosed in transcript form in accordance with subsection 3.  
43 Subject to all the requirements of subsection 2, the bureau or a  
44 public safety answering point may disclose audio recordings of  
45 emergency calls made to the E-9-1-1 system in the following  
46 circumstances:

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

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

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

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

5. Unlisted telephone numbers. The name and address associated with the number of a telephone company customer with an unlisted telephone number may be furnished to the E-9-1-1 system for processing a request for E-9-1-1 services from that number and for the provision of emergency services resulting from the request.

6. Penalty for disseminating information. Disclosing confidential information in violation of subsection 2 or disclosing audio recordings of emergency calls to the E-9-1-1 system in violation of subsection 4 is a Class E crime.

**§2930. Immunity**

1. Immunity. Subject to all the limitations and exceptions provided under the Maine Tort Claims Act, Title 14, chapter 741, a government entity is immune from tort liability for property damages, bodily injury or death resulting from acts or omissions occurring in developing, establishing, implementing, maintaining or operating the E-9-1-1 system.

**§2931. Misuse of E-9-1-1 system**

1. Prohibited use. A person is guilty of misuse of the E-9-1-1 system if, without reasonable cause, that person makes repeated telephone calls to a public safety answering point by dialing 9-1-1 to make nonemergency reports or inquiries after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer.

2. Penalty. Violation of this section is a Class E crime.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

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This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.78 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

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The additional workload and administrative costs associated with the minimal number of new criminal cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. This bill may also decrease the number of civil suits filed in the court system. The Judicial Department may realize some minor offsetting savings from reductions of workload and administrative costs associated with the minimal number of civil cases that will no longer be filed. The collection of additional fines may increase General Fund revenue by minor amounts while the reductions in the collection of filing fees may decrease General Fund revenue by minor amounts.

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The additional costs associated with adding two members to the E-9-1-1 Council can be absorbed by the Department of Public Safety utilizing existing budgeted resources.

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SUMMARY

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This amendment, which is the majority report of the Joint Standing Committee on Utilities and Energy, does the following.

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1. It changes the immunity provision of the bill. The amendment cross-references the immunity provided under the Maine Tort Claims Act that is available to government entities. Immunity is not granted to any other person or entity associated with the E-9-1-1 system.

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2. It changes the confidentiality provisions of the bill. The amendment provides that the following information contained in any database, report, audio recording or other record of the Emergency Services Communication Bureau or a public safety answering point is confidential and is subject to limited disclosure:

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A. The names, addresses and telephone numbers of persons listed in E-9-1-1 databases;

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B. Customer information, described in the Maine Revised Statutes, Title 35-A, section 7501, subsection 1, that is

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; and

D. The name, address, telephone number and any medical information about a person receiving emergency services through the E-9-1-1 system.

3. It provides that audio recordings of emergency calls to the E-9-1-1 system are confidential and subject to limited disclosure, including pursuant to a court order on a finding of good cause. Nonconfidential information contained in those audio recordings must be disclosed in transcript form.

4. It adds a fiscal note to the bill.