

MAINE STATE LEGISLATURE

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MINORITY
UTILITIES AND ENERGY

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

COMMITTEE AMENDMENT "B" 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

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

43 5. Penalty for disseminating information. Disseminating
44 confidential information in violation of subsection 2 is a Class
45 E crime.

2 **§2930. Immunity**

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

16 **§2931. Misuse of E-9-1-1 system**

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

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

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

36 **FISCAL NOTE**

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

50 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.

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

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

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.

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:

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

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 adds a fiscal note to the bill.