

MAINE STATE LEGISLATURE

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DATE: 4/23/99

(Filing No. H-253)

UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1185, L.D. 1695, Bill, "An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 25 MRSA §2930, sub-§2, as enacted by PL 1997, c. 291, §3, is repealed and the following enacted in its place:

2. Telecommunications providers. A telecommunications provider assisting in the implementation and operation of the statewide E-9-1-1 system, including, but not limited to, the development and maintenance of the network, the development and maintenance of any databases and the processing of calls, is subject to tort liability:

A. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's negligent acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, up to a maximum amount for any and all claims arising out of a single occurrence not to exceed \$300,000 or the dollar amount that appears in Title 14, section 8105, subsection 1, whichever is greater; and

B. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the

2 telecommunications provider's intentional, willful or
3 reckless acts or omissions in developing, establishing,
4 implementing, maintaining or operating the E-9-1-1 system,
5 without limitation on the amount.

6 For purposes of this subsection, the term "telecommunications
7 provider" means a local exchange carrier, a commercial mobile
8 radio service provider, as defined in United States Code, Title
9 47, Section 332(d), an employee of a local exchange carrier or
10 commercial mobile radio service provider acting within the scope
11 of the employee's employment, or an agent of a local exchange
12 carrier or commercial mobile radio service provider acting within
13 the scope of the agent's agency.'

16 SUMMARY

18 This amendment replaces the bill. Under this amendment, the
19 tort liability of a local exchange carrier or mobile radio
20 carrier for its negligent acts and omissions resulting in a
21 defect or failure of the E-9-1-1 system is limited to \$300,000 or
22 any greater amount that may be specified in the Maine Revised
23 Statutes, Title 14, section 8105, subsection 1. There is no
24 limitation on the amount of liability for intentional, willful or
reckless acts and omissions.