

# MAINE STATE LEGISLATURE

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12/18

L.D. 2389

DATE: 3/20/2000

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**UTILITIES AND ENERGY**

Reported by:

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 939, L.D. 2389, Bill, "An Act to Facilitate the Implementation of the E-9-1-1 System"

Amend the bill in the emergency preamble by striking out all of the 5th indented paragraph (page 1, lines 15 to 17 in L.D.)

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

**Sec. 1. 25 MRSA §2927, sub-§§1-B and 2-B are enacted to read:**

1-B. Statewide E-9-1-1 surcharge. The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service subscribers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. The statewide E-9-1-1 surcharge is 32¢ per month per line or number. The statewide E-9-1-1 surcharge must be billed on a monthly basis by each local exchange telephone utility or cellular or wireless telecommunications service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill.

2-B. Surcharge remittance. Each local exchange telephone utility and cellular or wireless telecommunications service provider shall remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to this section on a

**COMMITTEE AMENDMENT**

2 monthly basis to the Treasurer of State for deposit in a separate  
3 account known as the E-9-1-1 fund.

4 **Sec. 2. 25 MRSA §2927, sub-§3**, as amended by PL 1997, c. 409,  
5 §1, is further amended to read:

6 **3. Expenditure of funds.** The bureau may use the revenues  
7 in the E-9-1-1 fund to fund staff and to defray costs associated  
8 with the implementation, operation and management of E-9-1-1.  
9 The bureau, to the extent it determines sufficient funds are  
10 available in the E-9-1-1 fund, shall use revenues in the E-9-1-1  
11 fund to reimburse local exchange carriers for eligible expenses  
12 incurred by the carriers. For purposes of this subsection, the  
13 term "eligible expenses" means expenses:

14 A. Incurred in preparing, correcting, verifying or updating  
15 subscriber information for use in databases necessary to  
16 implement the E-9-1-1 system; and

17 B. Determined by the Public Utilities Commission to meet the  
18 requirements of paragraph A and to be reasonable expenses  
19 for the services provided.

20 The Public Utilities Commission, in consultation with the bureau,  
21 shall establish procedures for reviewing and approving expenses  
22 pursuant to paragraph B.

23 **Sec. 3. 25 MRSA §2932** is enacted to read:

24 **§2932. Designated emergency telephone number**

25 **1. Designated emergency telephone number.** The primary  
26 telephone number to be used in a telephone exchange to request  
27 emergency services following the activation of E-9-1-1 services  
28 for that exchange, including the number for telecommunications  
29 devices for communication for the deaf, hard-of-hearing and  
30 speech-impaired, is 9-1-1.

31 **2. Publishing of 9-1-1.** A publisher of a directory of  
32 Maine telephone numbers for use by telephone subscribers in Maine  
33 must include in a conspicuous portion of the directory:

34 A. For any area within the directory in which E-9-1-1 has  
35 not been activated, the emergency numbers of the State  
36 Police and any sheriffs' departments that serve the area; and

37 B. For any area within the directory in which E-9-1-1 has  
38 been activated, the number 9-1-1 as the primary telephone  
39 number to request emergency services. The number "9-1-1"  
40 must be accompanied by words indicating it is accessible by  
41

2 teletypewriter device, or TTY, such as "TTY/Voice." A  
3 publisher is not required to update a directory following an  
4 activation of E-9-1-1 within the directory area until the  
5 next regular printing of the directory.

6 3. Commercial use of the number 9-1-1. The number 9-1-1  
7 may not be used for commercial purposes in a manner that is  
8 deceptive or likely to produce confusion with respect to its use  
9 as the primary emergency telephone number to request emergency  
10 services.

11 4. Display of 9-1-1. When displayed on signs and in other  
12 formats designed to advertise the number and its use to the  
13 public printed after the effective date of this subsection or on  
14 emergency vehicles, 9-1-1 must be:

15 A. Printed in plain block numerals with a dash between the  
16 numerals;

17 B. Accompanied by the word "emergency"; and

18 C. Except in the case of emergency vehicles, accompanied by  
19 words indicating accessibility by teletypewriter device,  
20 such as "TTY/Voice."

21 5. Penalty. Violation of subsection 3 is a civil offense  
22 for which a forfeiture of up to \$500 may be adjudged. A  
23 forfeiture may not be imposed under this subsection unless the  
24 person alleged to have violated subsection 3 received  
25 notification from the bureau director that the person's  
26 commercial use of the number 9-1-1 is, in the opinion of the  
27 bureau director, a violation of subsection 3 and the person has  
28 been provided an opportunity to respond to that notification  
29 prior to the filing of an action pursuant to this subsection.

30 **Sec. 4. Application and implementation.** Notwithstanding the  
31 Maine Revised Statutes, Title 25, section 2927, subsection 1-B, a  
32 local exchange carrier or cellular or wireless telecommunications  
33 service provider that billed customers a surcharge in accordance  
34 with the terms of former Title 25, section 2927, subsection 1-A  
35 after that section was repealed pursuant to Title 25, section  
36 2927, subsection 7-A may not bill customers for the surcharge  
37 established pursuant to Title 25, section 2927, subsection 1-B  
38 for that number of billing cycles after the effective date of  
39 this Act that equals the number of billing cycles after the  
40 repeal of former Title 25, section 2927, subsection 1-A that the  
41 local exchange carrier or cellular or wireless telecommunications  
42 service provider billed customers in accordance with the terms of  
43 former Title 25, section 2927, subsection 1-A.

2 All surcharges collected in accordance with the terms of  
4 former Title 25, section 2927, subsection 1-A after that section  
6 was repealed pursuant to Title 25, section 2927, subsection 7-A  
8 are retroactively approved and ratified. All surcharges  
10 collected pursuant to former Title 25, section 2927, subsection  
12 1-A must be remitted by all entities holding such collected  
14 surcharges to the Treasurer of State for deposit in the E-9-1-1  
16 fund as payment in lieu of the amounts that would have been  
18 imposed and collected pursuant to Title 25, section 2927,  
20 subsection 1-B but for the provisions of this section.

22 **Sec. 5. Study of wireless expenses.** The Department of Public  
24 Safety, Emergency Services Communication Bureau shall undertake  
26 an examination of the costs that may be incurred by wireless  
28 telecommunications providers in the employment of network-based  
30 location technology and handset-based technology in order to  
32 facilitate the development of the E-9-1-1 system. The bureau's  
34 examination must include at least an assessment of:

36 1. The potential amount of these costs and when they will  
38 be incurred;

40 2. The extent to which the costs are or might be reimbursed  
42 through federal or other funding sources;

44 3. The basis for the imposition of federal requirements  
46 regarding the employment of network-based location technology and  
48 handset-based technology, including whether the requirements are  
related to the awarding of certain telecommunications privileges;  
and

4. Whether, in the bureau's opinion, these costs should be  
reimbursed from the E-9-1-1 fund and the amount the E-9-1-1  
surcharge would need to be increased to fund such reimbursement.

The bureau shall provide an interim report on these matters  
to the joint standing committee of the Legislature having  
jurisdiction over utilities and energy matters no later than  
February 1, 2001 and a final report no later than February 1,  
2002. The joint standing committee of the Legislature having  
jurisdiction over utilities and energy matters may report out  
legislation on E-9-1-1 funding to the First or Second Regular  
Session of the 120th Legislature.'

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

**FISCAL NOTE**

2

**1999-00**

4

**REVENUES**

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Other Funds (\$1,658,844)

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10 Changes in the statewide E-9-1-1 surcharge will result in a  
12 one-time loss of \$1,658,844 in dedicated revenues which were to  
14 be collected by the Department of Public Safety in fiscal year  
16 1999-00.

18 The requirement that local exchange carriers be reimbursed  
20 for the cost of providing certain services will result in future  
22 additional costs to the Department of Public Safety. The  
24 estimated future costs to Other Special Revenue funds are  
26 \$540,000 in fiscal year 2001-02 and \$90,000 in each fiscal year  
28 thereafter.

30 The Department of Public Safety will incur some minor  
32 additional costs to submit a required report to the Legislature.  
34 These costs can be absorbed within the department's existing  
36 budgeted resources.

38 The Public Utilities Commission will incur some minor  
40 additional costs to establish procedures for reviewing and  
42 approving expenses incurred by local exchange carriers to  
44 implement, operate, and manage the E-9-1-1 system. These costs  
46 can be absorbed within the commission's existing budgeted  
48 resources.

50 The additional workload and administrative costs associated  
with the minimal number of new cases filed in the court system  
can be absorbed within the budgeted resources of the Judicial  
Department. The collection of additional fines may increase  
General Fund revenue by minor amounts.'

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**SUMMARY**

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This amendment replaces the bill. The amendment:

44

46 1. Removes that portion of the bill that would have  
48 retroactively reinstated the E-9-1-1 surcharge and instead  
reenacts the surcharge and provides for delayed collection of the  
surcharge by those telecommunications service providers who  
continued to collect the surcharge after its repeal. Monies  
collected after the repeal of the surcharge are directed to be  
deposited in the E-9-1-1 fund as payment in lieu of the surcharge

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2 amounts that would have been imposed and collected but for the  
delayed collection schedule;

4 2. Removes that portion of the bill that would have allowed  
public safety agencies access to the audio recordings of E-9-1-1  
6 calls for purpose of investigation of complaints;

8 3. Consolidates and clarifies those portions of the bill  
relating to the inclusion of the number 9-1-1 in telephone  
10 directories;

12 4. Narrows and clarifies the portion of the bill limiting  
the use of the number 9-1-1 for commercial purposes;

14 5. Provides that certain costs incurred by local exchange  
16 carriers in providing database development services for the  
development of the E-9-1-1 system are reimbursed from the E-9-1-1  
18 fund, provided the expenses are approved by the Public Utilities  
Commission; and

20 6. Requires the Department of Public Safety, Emergency  
22 Services Communication Bureau to undertake an examination of  
issues related to possible reimbursement of costs incurred by  
24 wireless service providers related to the development of the  
E-9-1-1 system.

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