

# MAINE STATE LEGISLATURE

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Date: 4/4/07

L.D. 547  
(Filing No. H-57)

**UTILITIES AND ENERGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 425, L.D. 547, Bill, "An Act To Create Fairness in E-9-1-1 Funding"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 25 MRSA §2921, sub-§2-B** is enacted to read:

**2-B. Cellular or wireless telecommunications service.** "Cellular or wireless telecommunications service" means commercial mobile service as defined in 47 United States Code, Section 332(d).

**Sec. 2. 25 MRSA §2921, sub-§12** is enacted to read:

**12. Interconnected voice over Internet protocol service.** "Interconnected voice over Internet protocol service" means a service that enables real-time, 2-way voice communications; requires a broadband connection from the user's location; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

**Sec. 3. 25 MRSA §2921, sub-§13** is enacted to read:

**13. Prepaid wireless telephone service.** "Prepaid wireless telephone service" means a cellular or wireless telecommunications service that the customer pays for prior to activation of the service.

**Sec. 4. 25 MRSA §2921, sub-§14** is enacted to read:

**14. Prepaid wireless telephone service provider.** "Prepaid wireless telephone service provider" means a cellular or wireless telecommunications service provider that sells prepaid wireless telephone service at wholesale or retail.

**Sec. 5. 25 MRSA §2927, sub-§1-B**, as amended by PL 2003, c. 673, Pt. V, §4 and affected by §29, is further amended to read:

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1       **1-B. Statewide E-9-1-1 surcharge.** The activities authorized under this chapter are  
2 funded through a special statewide E-9-1-1 surcharge levied on each residential and  
3 business telephone exchange line, including private branch exchange lines and Centrex  
4 lines, cellular or wireless telecommunications service ~~subscribers~~ customers, including  
5 prepaid wireless telephone service customers, interconnected voice over Internet protocol  
6 service customers and semipublic coin and public access lines. The statewide E-9-1-1  
7 surcharge may not be imposed on more than 25 lines or numbers per customer billing  
8 account, except that this limitation does not apply to prepaid wireless telephone services.  
9 In the case of cellular or wireless telecommunications service ~~subscribers~~ customers, the  
10 place of residence of those ~~subscribers~~ customers must be determined according to the  
11 sourcing rules for mobile telecommunications services as set forth in Title 36, section  
12 2556. The statewide E-9-1-1 surcharge is 50¢ per month per line or number or, in the  
13 case of prepaid wireless telephone services, 50¢ per month or 30-day increment of service  
14 per customer. The statewide E-9-1-1 surcharge must be ~~billed~~ collected from the  
15 customer on a monthly basis by each local exchange telephone utility ~~or,~~ cellular or  
16 wireless telecommunications service provider and interconnected voice over Internet  
17 protocol service provider and be shown separately as a statewide E-9-1-1 surcharge on  
18 the customer's bill, except that in the case of prepaid wireless telephone service, the  
19 collection of the statewide E-9-1-1 surcharge is governed by subsection 1-C.

20       **Sec. 6. 25 MRSA §2927, sub-§1-C** is enacted to read:

21       **1-C. Statewide E-9-1-1 surcharge; prepaid wireless service.** The statewide  
22 E-9-1-1 surcharge, referred to in this subsection as "the surcharge," must be collected  
23 from prepaid wireless telephone service customers by the prepaid wireless telephone  
24 service provider. The prepaid wireless telephone service provider is authorized to:

25       A. Collect the surcharge on a monthly basis from each customer whose account  
26 balance is equal to or greater than the amount of the surcharge;

27       B. Collect the surcharge, or contract with a retail seller of prepaid wireless telephone  
28 service to collect the surcharge, from the customer at the point-of-sale for each  
29 30-day increment of prepaid wireless telephone service that is purchased at the time  
30 of sale; or

31       C. Collect the surcharge indirectly from customers by calculating the total surcharge  
32 owed by its customers and remitting that amount to the Treasurer of State in  
33 accordance with subsection 2-B. A prepaid wireless telephone service provider that  
34 elects the collection method specified in this paragraph must calculate the total  
35 surcharge owed by:

36               (1) Dividing its total intrastate prepaid wireless revenue for the month by the  
37 national average revenue per user for prepaid wireless service, as defined by the  
38 Public Utilities Commission by rule; and

39               (2) Multiplying the result obtained under subparagraph (1) by the amount of the  
40 surcharge.

41       **Sec. 7. 25 MRSA §2927, sub-§2-B,** as amended by PL 2001, c. 439, Pt. EEEE,  
42 §7, is further amended to read:

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1       **2-B. Surcharge remittance.** Each local exchange telephone utility and, cellular or  
2 wireless telecommunications service provider, including a prepaid wireless telephone  
3 service provider, and interconnected voice over Internet protocol service provider shall  
4 remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to  
5 this section on a monthly basis and within one month of the month collected to the  
6 Treasurer of State for deposit in a separate account known as the E-9-1-1 fund. ~~Service~~  
7 ~~providers~~ Each telephone utility or service provider required to remit statewide E-9-1-1  
8 surcharge revenues shall provide, on a form approved by the bureau, supporting data,  
9 including but not limited to the following:

- 10       A. The calculation used to arrive at the surcharge remittance amount;
- 11       B. The calculation used to arrive at the uncollectible amount of surcharge;
- 12       C. The total surcharge;
- 13       D. The month and year for which surcharge is remitted;
- 14       E. The legal name of company and telephone number and, if applicable, the parent  
15 company name, address and telephone number; and
- 16       F. The preparer's name and telephone number.

17       **Sec. 8. 25 MRSA §2927, sub-§6**, as amended by PL 1997, c. 409, §1, is further  
18 amended to read:

19       **6. Violations.** A telephone utility or, a cellular or wireless telecommunications  
20 service provider, including a prepaid wireless telephone service provider, or an  
21 interconnected voice over Internet protocol service provider subject to this section that  
22 intentionally and knowingly fails to remit the statewide E-9-1-1 surcharge revenues  
23 collected under this section commits a civil violation for which a forfeiture of not more  
24 than \$500 may be adjudged for each day that payment is not made after the due date.

25       **Sec. 9. 25 MRSA §2927, sub-§8** is enacted to read:

26       **8. Rules.** The Public Utilities Commission shall adopt rules necessary to implement  
27 the provisions of this section. Rules adopted under this subsection are routine technical  
28 rules as defined in Title 5, chapter 375, subchapter 2-A.

29       **Sec. 10. 25 MRSA §2930, sub-§2**, as repealed and replaced by PL 1999, c. 209,  
30 §1, is amended to read:

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

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

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1 B. For property damages, bodily injury or death resulting from any defect in the  
2 E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the  
3 telecommunications provider's intentional, willful or reckless acts or omissions in  
4 developing, establishing, 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 provider" means a local  
7 exchange carrier, a commercial mobile radiø service provider, as defined in 47 United  
8 States Code, ~~Title 47~~, Section 332(d), or an interconnected voice over Internet protocol  
9 service provider; an employee of a local exchange carrier ~~or~~, commercial mobile radiø  
10 service provider or interconnected voice over Internet protocol service provider acting  
11 within the scope of the employee's employment; ~~or~~ an agent of a local exchange carrier  
12 ~~or~~, commercial mobile radiø service provider or interconnected voice over Internet  
13 protocol service provider acting within the scope of the agent's agency.

14 **Sec. 11. Report.** The Public Utilities Commission, Emergency Services  
15 Communication Bureau shall submit a report by January 15, 2009 to the joint standing  
16 committee of the Legislature having jurisdiction over telecommunications matters  
17 regarding the collection of the E-9-1-1 surcharge on prepaid wireless telephone service  
18 and interconnected voice over Internet protocol service. The report must include, but is  
19 not limited to, an accounting of E-9-1-1 surcharge revenues remitted to the State since the  
20 effective date of this Act and statistics describing the use of the 3 different collection  
21 methodologies available to prepaid wireless telephone service providers under the Maine  
22 Revised Statutes, Title 25, section 2927, subsection 1-C.'

23 **SUMMARY**

24 This amendment replaces the bill. It amends the law governing the funding of the  
25 E-9-1-1 system in the following ways.

26 1. It clarifies that prepaid wireless telephone service, as a type of cellular or wireless  
27 telecommunications service, is subject to the monthly statewide E-9-1-1 surcharge.

28 2. It specifies 3 methods for providers of prepaid wireless telephone service to collect  
29 the statewide E-9-1-1 surcharge, collect the surcharge from each customer whose account  
30 balance is equal to or greater than the amount of the surcharge, collect the surcharge from  
31 the customer at the point of sale or collect the surcharge indirectly by calculating the total  
32 surcharged owed by dividing its monthly intrastate revenue by average revenue per user  
33 and multiplying the result by the amount of the surcharge.

34 3. It adds interconnected voice over Internet protocol service as a type of telephone  
35 service subject to the statewide E-9-1-1 surcharge and it amends the provision of the  
36 E-9-1-1 law regarding tort liability for telecommunications providers to grant  
37 interconnected voice over Internet protocol providers the same treatment as other  
38 telecommunications service providers.

39 4. It requires the Public Utilities Commission to adopt rules to implement the  
40 provisions of the E-9-1-1 funding law and to report to the joint standing committee of the  
41 Legislature having jurisdiction over telecommunications matters no later than January 15,  
42 2009 regarding the collection of the E-9-1-1 surcharge on prepaid wireless telephone  
43 service and interconnected voice over Internet protocol service.

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**2023**

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**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 547

LR 1655(02)

## An Act To Create Fairness in E-9-1-1 Funding

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Revenue</b>				
Other Special Revenue Funds	\$450,000	\$600,000	\$600,000	\$600,000

#### Fiscal Detail and Notes

Under current law, subscribers of prepaid wireless service are not required to contribute to the E-9-1-1 Fund. Requiring prepaid wireless and the broadband markets of telephone services to collect funding for E-9-1-1 services could add approximately \$450,000 in fiscal year 2007-08 and \$600,000 annually thereafter of additional Other Special Revenue Funds revenue to the E-9-1-1 Fund within the Public Utilities Commission.