

MAINE STATE LEGISLATURE

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No. 2238

H.P. 1599

House of Representatives, February 28, 2008

An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service

Reported by Representative BLISS of South Portland for the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2007, chapter 226, section 3.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA §2930, sub-§2**, as amended by PL 2007, c. 68, §10, is further
3 amended to read:

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

9 A. For property damages, bodily injury or death resulting from any defect in the E-
10 9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the
11 telecommunications provider's negligent acts or omissions in developing,
12 establishing, implementing, maintaining or operating the E-9-1-1 system, up to a
13 maximum amount for any and all claims arising out of a single occurrence not to
14 exceed \$300,000 or the dollar amount that appears in Title 14, section 8105,
15 subsection 1, whichever is greater; and

16 B. For property damages, bodily injury or death resulting from any defect in the E-
17 9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the
18 telecommunications provider's intentional, willful or reckless acts or omissions in
19 developing, establishing, implementing, maintaining or operating the E-9-1-1 system,
20 without limitation on the amount.

21 For purposes of this subsection, the term "telecommunications provider" means a local
22 exchange carrier, a commercial mobile service provider, as defined in 47 United States
23 Code, Section 332(d), or an interconnected voice over Internet protocol service provider;
24 an employee of a local exchange carrier, commercial mobile service provider or
25 interconnected voice over Internet protocol service provider acting within the scope of the
26 employee's employment; or an agent of a local exchange carrier, commercial mobile
27 service provider or interconnected voice over Internet protocol service provider acting
28 within the scope of the agent's agency.

29 For purposes of this subsection, the term "E-9-1-1 system" includes, but is not limited to,
30 the networks, databases and call processing services necessary to provide enhanced 9-1-1
31 services or enhanced 9-1-1 access-only services in accordance with this chapter and rules
32 adopted under this chapter.

33 **SUMMARY**

34 This bill clarifies that the provision of E-9-1-1 access-only services is covered by the
35 law governing the liability of telecommunications providers in the implementation and
36 operation of the statewide E-9-1-1 system.