

# MAINE STATE LEGISLATURE

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SMC  
A. G. S.

L.D. 1813

Date: 3/30/10

(Filing No. H-806)

UTILITIES AND ENERGY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1297, L.D. 1813, Bill, "An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services"

Amend the bill by striking out the title and substituting the following:

**'An Act Relating to the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** in order to ensure the public safety and health and avoid confusion with regard to the E-9-1-1 surcharge, the provisions of this legislation must take effect as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 25 MRSA §1531, sub-§2, ¶E,** as enacted by PL 2003, c. 678, §2, is amended to read:

~~E. A representative of participating municipalities with populations of less than 5,000, selected from and recommended by the boards of selectmen, town councils or city councils of those municipalities~~ Three representatives of municipalities recommended by a statewide association of municipalities and appointed by the Governor;

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1        **Sec. 2. 25 MRSA §1531, sub-§2, ¶F**, as enacted by PL 2003, c. 678, §2, is  
2        repealed.

3        **Sec. 3. 25 MRSA §1531, sub-§2, ¶G**, as enacted by PL 2003, c. 678, §2, is  
4        repealed.

5        **Sec. 4. 25 MRSA §1531, sub-§4, ¶B**, as enacted by PL 2003, c. 678, §2, is  
6        amended to read:

7            B. ~~The member 3 members~~ representing municipalities with populations of less than  
8            5,000 ~~is serve for staggered terms, with one member~~ appointed for a one-year term,  
9            ~~the member representing municipalities with populations of 5,000 or more but less~~  
10           ~~than 15,000 is one member~~ appointed for a 2-year term and ~~the member representing~~  
11           ~~municipalities with populations of 15,000 or more is one member~~ appointed for a 3-  
12           year term;

13        **Sec. 5. 25 MRSA §1535**, as enacted by PL 2007, c. 622, §1, is amended to read:

14        **§1535. Fees for public safety answering point services and dispatch services**

15            ~~The Public Utilities Commission may, on its own motion or at the request of the~~  
16            ~~department or a political subdivision of the State, board, in accordance with this section,~~  
17            ~~shall establish in an adjudicatory proceeding the fees that must be paid by political~~  
18            ~~subdivisions for public safety answering point services and dispatch services provided by~~  
19            ~~the department to those political subdivisions, including services provided pursuant to~~  
20            ~~section 2923-A. In the proceeding, the commission shall establish the revenue~~  
21            ~~requirement for the department's relevant dispatch and public safety answering point~~  
22            ~~services and a fee design for the recovery of the department's revenue requirement to~~  
23            ~~ensure the fees reasonably reflect services provided. In any proceeding held under this~~  
24            ~~section, the department and all All political subdivisions that are to be provided public~~  
25            ~~safety answering point services and dispatch services shall provide to the commission~~  
26            ~~board all information the commission board determines necessary in order to establish the~~  
27            fees.

28            1. Fees. The board shall seek to establish fees under this section that are based on  
29            the incremental costs of providing public safety answering point services and dispatch  
30            services to political subdivisions.

31            2. Base funding level. In order to determine incremental costs under subsection 1,  
32            the board shall first establish a base funding level, consistent with the department's  
33            legislatively approved budget for public safety answering point services and dispatch  
34            services, required to provide public safety answering point services and dispatch services  
35            to State Government entities. The base funding level must be based on services provided  
36            by the department prior to the provision of emergency dispatch and E-9-1-1 call-taking  
37            services to municipal and county governments as a result of actions taken by the bureau  
38            under section 1533. The base funding level must be excluded by the board from its  
39            determination of incremental costs under subsection 1.

40        **Sec. 6. 25 MRSA §2926, sub-§1-A** is enacted to read:

1 1-A. Quality assurance. The bureau shall develop and implement a quality  
2 assurance program to audit and monitor compliance with emergency dispatching  
3 standards, practices and procedures of public safety answering points.

4 **Sec. 7. 25 MRSA §2927, sub-§1-B,** as repealed by PL 2009, c. 400, §6 and  
5 affected by §15 and amended by c. 416, §1, is repealed.

6 **Sec. 8. 25 MRSA §2927, sub-§1-E, ¶A,** as enacted by PL 2009, c. 400, §9 and  
7 affected by §15, is amended to read:

8 A. The statewide E-9-1-1 surcharge is ~~30¢~~ 37¢ per month per line or number.  
9 Beginning July 1, 2010, the statewide E-9-1-1 surcharge is 45¢ per month per line or  
10 number. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines  
11 or numbers per customer billing account.

12 **Sec. 9. 25 MRSA §2927, sub-§1-F, ¶A,** as enacted by PL 2009, c. 400, §10 and  
13 affected by §15, is amended to read:

14 A. The prepaid wireless E-9-1-1 surcharge is ~~30¢~~ 37¢ per retail transaction.  
15 Beginning July 1, 2010, the prepaid wireless E-9-1-1 surcharge is 45¢ per retail  
16 transaction.

17 **Sec. 10. 25 MRSA §2927, sub-§3-B** is enacted to read:

18 **3-B. Support of supervisory positions.** Revenues in the E-9-1-1 fund may be used  
19 to fund 2 legislatively authorized supervisory positions relating to emergency dispatch  
20 and E-9-1-1 call-taking services provided by the department.

21 This subsection is repealed on June 30, 2011.

22 **Sec. 11. 25 MRSA §2927, sub-§5,** as amended by PL 2009, c. 122, §6 and c.  
23 219, §3, is repealed and the following enacted in its place:

24 **5. Legislative annual report.** The bureau shall include in the Public Utilities  
25 Commission's annual report pursuant to Title 35-A, section 120, subsection 7 to the joint  
26 standing committee of the Legislature having jurisdiction over utilities and energy  
27 matters:

28 A. The bureau's planned expenditures for the year and use of funds for the previous  
29 year;

30 B. The statewide E-9-1-1 surcharge collected under this section;

31 C. The bureau's recommended statewide E-9-1-1 surcharge for the coming year;

32 D. The bureau's recommendations for amending existing and enacting new law to  
33 improve the E-9-1-1 system; and

34 E. The performance of each of the public safety answering points in the State during  
35 the previous calendar year, including the results of the bureau's quality assurance  
36 program audits under section 2926, subsection 1-A and any recommendations of the  
37 bureau relating to the emergency dispatching standards, practices and procedures of  
38 public safety answering points.

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**Sec. 12. Transition.** The terms of the 3 members of the Maine Communications System Policy Board who are first appointed under the section of this Act that amends the Maine Revised Statutes, Title 25, section 1531, subsection 2, paragraph E must be staggered, with one member appointed for a one-year term, one member appointed for a 2-year term and one member appointed for a 3-year term.

**Sec. 13. Retroactivity; application.** That section of this Act that repeals the Maine Revised Statutes, Title 25, section 2927, subsection 1-B and those sections that amend Title 25, section 2927, subsections 1-E and 1-F apply retroactively to January 1, 2010. The provisions of Title 25, section 2927, subsection 1-F, paragraph F do not apply to that section of this Act that amends Title 25, section 2927, subsections 1-F, paragraph A.

**Sec. 14. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Emergency Services Communication Bureau 0994**

Initiative: Allocates funds for consulting services to implement an E-9-1-1 quality assurance program.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$0	\$150,000

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

**SUMMARY**

This amendment replaces the bill. The amendment:

1. Modifies the makeup of the Maine Communications System Policy Board to provide that the 3 municipal members are nominated by a statewide municipal association. It removes the requirements that these members must represent towns of specific sizes and be participants in the cooperative use of the Department of Public Safety's communications systems;
2. Removes the authority of the Public Utilities Commission to establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the Department of Public Safety. It gives this authority to the Maine Communications System Policy Board and directs the board to set fees based on the department's incremental costs of providing such services to political subdivisions;
3. Directs the Public Utilities Commission, Emergency Services Communications Bureau to develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points;

1 4. Authorizes the use of the E-9-1-1 fund to support legislatively authorized  
2 supervisory positions relating to emergency dispatch and E-9-1-1 call-taking services  
3 provided by the Department of Public Safety until June 30, 2011;

4 5. Modifies the E-9-1-1 surcharge that is currently scheduled to increase to 52¢ on  
5 July 1, 2010 to provide that it increases to 45¢ instead;

6 6. Corrects a conflict created when Public Law 2009, chapter 400 repealed the Maine  
7 Revised Statutes, Title 25, section 2927, subsection 1-B and enacted related provisions in  
8 Title 25, section 2927, subsections 1-E and 1-F, and chapter 416 amended Title 25,  
9 section 2927, subsection 1-B. The conflict is corrected by repealing Title 25, section  
10 2927, subsection 1-B and incorporating the changes to rates made by Public Law 2009,  
11 chapter 416 in Title 25, section 2927, subsections 1-E and 1-F. The corrections are  
12 applied retroactively to January 1, 2010, the effective date of Public Law 2009, chapter  
13 400. The modification of the surcharge on prepaid wireless telecommunications service  
14 that will take effect on July 1, 2010 is exempted from a provision of law that provides  
15 that a change in that surcharge does not take effect until 60 days after enactment of the  
16 change; and

17 7. Adds an appropriations and allocations section.

18 **FISCAL NOTE REQUIRED**

19 **(See attached)**



# 124th MAINE LEGISLATURE

LD 1813

LR 2628(02)

## An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services

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

Committee: Utilities and Energy

Fiscal Note Required: Yes

### Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$150,000	\$0	\$0
<b>Revenue</b>				
Other Special Revenue Funds	\$0	(\$1,462,200)	(\$1,285,200)	(\$1,285,200)
Consolidated Emergency Communications Fund	\$0	\$177,000	\$0	\$0

#### Fiscal Detail and Notes

The bill includes a one-time allocation of \$150,000 to the Emergency Services Communication Bureau in the Public Utilities Commission for E-911 quality assurance consulting in fiscal year 2010-11. Reducing the E-911 surcharge from 52 cents to 45 cents will reduce revenue to the E-911 Fund by \$1,285,200 beginning in fiscal year 2010-11. The Consolidated Emergency Communications Fund in the Department of Public Safety will receive \$177,000 in fiscal year 2010-11 only from the E-911 Fund for two supervisory positions related to emergency dispatch and E-911 call-taking services. The headcount and allocation for these positions already exists and is not reflected in this fiscal note.