MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1746

S.P. 645

In Senate, December 22, 2017

An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2017. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

HEATHER J.R. PRIEST Secretary of the Senate

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Presented by Senator WOODSOME of York.

Cosponsored by Representative BERRY of Bowdoinham and

Senator: JACKSON of Aroostook, Representative: POULIOT of Augusta.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 25 MRSA §2927, sub-§1-D, as enacted by PL 2009, c. 400, §8 and affected by §15, is amended to read:
4	1-D. Funding. The activities authorized under this chapter are funded through:
5	A. The statewide E-9-1-1 surcharge under subsection 1-E levied on:
6 7	(1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;
8	(2) Semipublic coin and public access lines;
9	(3) Customers of interconnected voice over Internet protocol service; and
10 11 12 13 14	(4) Customers of cellular or wireless telecommunications service that is not prepaid wireless telecommunications service. A surcharge may not be levied under this subparagraph with respect to customers of cellular or wireless telecommunications service that is supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54; and
15 16 17 18 19 20 21	B. The statewide prepaid wireless E-9-1-1 surcharge under subsection 1-F levied on prepaid wireless telecommunications service consumers. A surcharge may not be levied under this paragraph with respect to prepaid wireless telecommunications service supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54, except that a surcharge may be levied under this paragraph on transactions in which the customer directly purchases optional services that are not supported by federal universal service support funds.
22 23	Sec. 2. 35-A MRSA §7104, sub-§3, ¶D, as amended by PL 2011, c. 623, Pt. B, §14, is further amended to read:
24 25	D. Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral; and
26 27	Sec. 3. 35-A MRSA §7104, sub-§3, ¶G, as enacted by PL 2011, c. 623, Pt. B, §14, is amended to read:
28 29 30	G. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on that bill of any charge imposed under this section; and
31	Sec. 4. 35-A MRSA §7104, sub-§3, ¶H is enacted to read:
32 33 34 35 36	H. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers

for optional services that are not supported by federal universal service support funds.

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2	244, §3, are further amended to read:
3 4	C. Integrate the collection of the surcharge with any state universal service fund developed by the commission; and
5 6 7	D. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on customer bills of the surcharge imposed under this section—; and
8	Sec. 6. 35-A MRSA §7104-B, sub-§3, ¶F is enacted to read:
9 10 11 12 13 14	F. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers for optional services that are not supported by federal universal service support funds.
15 16	Sec. 7. 36 MRSA §2551, sub-§15, ¶D, as amended by PL 2007, c. 438, §54, is further amended to read:
17 18	D. The amount of any tax imposed by the United States or the State on or with respect to the sale of a service, whether imposed upon the seller or the consumer; or
19 20	Sec. 8. 36 MRSA §2551, sub-§15, ¶ E, as enacted by PL 2007, c. 438, §54, is amended to read:
21 22 23 24	E. The cost of transportation from the service provider's place of business or other point from which shipment is made directly to the purchaser, as long as those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States Postal Service-; or
25	Sec. 9. 36 MRSA §2551, sub-§15, ¶F is enacted to read:
26 27	F. Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54.
28 29 30 31 32 33	Sec. 10. Conforming rules. The Public Utilities Commission shall adopt rules to implement this Act. Notwithstanding the prohibitions under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3-A and Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission shall adjust the prepaid wireless telecommunications service fee as needed to conform to this Act.
34	SUMMARY
35 36 37	This bill clarifies that telephone services available to income-eligible Maine consumers that are supported by federal universal service support funds are not subject to the state service provider tax and that federal support for such services is not subject to

Sec. 5. 35-A MRSA §7104-B, sub-§3, ¶¶C **and D,** as amended by PL 2017, c.

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- fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge. 1
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