

MAINE STATE LEGISLATURE

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SAR
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L.D. 1175

Date: 4-6-22

(Filing No. H-936)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 130TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 853, L.D. 1175, "An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons"

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

'An Act To Prohibit Excessive Telephone Charges in Maine Jails and Prisons'

Amend the bill by striking out all of the emergency preamble.

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

'PART A

Sec. A-1. 34-A MRSA §3015 is enacted to read:

§3015. Telephone services in Department of Corrections facilities

Beginning October 1, 2022, the department and a service provider that contracts with the department to provide telephone services for residents of a department facility shall provide telephone services in accordance with this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department facility" means a detention facility or correctional facility.

B. "Resident" means a person who resides in a department facility.

C. "Service provider" means an entity that provides telephone services by contract with the department through which a resident initiates outgoing telephone calls from a department facility.

2. Resident right to make telephone calls. The department shall provide a resident with a reasonable opportunity to make interstate and intrastate telephone calls in accordance with departmental policies and institutional procedures and in accordance with the following.

1 A. The department shall provide a resident with a reasonable opportunity to make
2 telephone calls to relatives and friends, except that the department may restrict or
3 prohibit telephone calls when the restriction or prohibition is necessary for the security
4 of the department facility. The department shall provide to a resident who has less than
5 \$10 in the resident's facility account a free telephone call allowance for 30 minutes of
6 telephone calls per week under this paragraph.

7 B. The department shall provide a resident with a reasonable opportunity to make
8 telephone calls protected by the attorney-client privilege. The department shall provide
9 to a resident who has less than \$10 in the resident's facility account a free telephone
10 call allowance for 30 minutes of telephone calls per week under this paragraph.

11 **3. Requirements for service providers.** A service provider that enters into or renews
12 a contract on or after October 1, 2022 with the department to provide outgoing interstate
13 and intrastate telephone services is subject to the following requirements.

14 A. The rates and charges that the service provider may charge for interstate and
15 intrastate telephone calls made by residents may not exceed the rates for interstate
16 telephone calls adopted by the Federal Communications Commission in effect on the
17 date of the contract.

18 B. A service provider may not charge a fee to a resident, the department facility or the
19 department for providing the free outgoing telephone calls required pursuant to
20 subsection 2, paragraphs A and B.

21 C. A service provider may not charge a connection fee to a resident to initiate an
22 outgoing telephone call.

23 D. A service provider shall permit the receiving party of a telephone call to terminate
24 the telephone call prior to connection without the resident or receiving party incurring
25 a charge.

26 E. A service provider may not block a collect telephone call to a receiving party
27 because the service provider lacks a prior billing relationship with the receiving party's
28 telephone service provider unless the service provider offers debit, prepaid or prepaid
29 collect calling options.

30 F. A service provider, prior to connecting a telephone call, shall identify itself to the
31 receiving party and disclose to the receiving party how to obtain rate quotations.

32 **Sec. A-2. Application.** That section of this Part that enacts the Maine Revised
33 Statutes, Title 34-A, section 3015 applies to all contracts for telephone services entered into
34 or renewed by the Department of Corrections on or after October 1, 2022.

35 PART B

36 **Sec. B-1. 30-A MRSA §1566** is enacted to read:

37 **§1566. Telephone services in jails**

38 Beginning October 1, 2022, a jail and a service provider that contracts with the jail to
39 provide telephone services for residents of the jail shall provide telephone services in
40 accordance with this section.

41 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
42 following terms have the following meanings.

A. "Jail" means a county or municipal detention facility for which standards are set by the Commissioner of Corrections under Title 34-A, section 1208 or a facility for which standards are set by the Commissioner of Corrections under Title 34-A, section 1208-A.

B. "Resident" means a person who resides in a jail.

C. "Service provider" means an entity that provides telephone services by contract with a jail through which a resident initiates outgoing telephone calls from the jail.

2. Requirements for service providers. A service provider that enters into or renews a contract on or after October 1, 2022 with a jail to provide outgoing interstate and intrastate telephone services is subject to the following requirements. The rates and charges that the service provider may charge for interstate and intrastate telephone calls made by residents may not exceed the rates for interstate telephone calls adopted by the Federal Communications Commission in effect on the date of the contract.

Sec. B-2. Application. That section of this Part that enacts the Maine Revised Statutes, Title 30-A, section 1566 applies to all contracts for telephone services entered into or renewed by or on behalf of a jail on or after October 1, 2022.¹

Amend the bill by striking out all of the emergency clause.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill. It changes the title of the bill and removes the emergency preamble and emergency clause. The amendment establishes the rights of residents of Department of Corrections detention and correctional facilities to telephone services. The amendment sets requirements for providers of telephone services in Department of Corrections detention and correctional facilities. The amendment sets limits on telephone rates and charges for interstate and intrastate telephone calls made by residents of jails and Department of Corrections detention and correctional facilities by reference to limitations imposed by the Federal Communications Commission on interstate telephone calls made by persons who are incarcerated.

FISCAL NOTE REQUIRED

(See attached)



Approved: 03/07/22 *MAC*

130th MAINE LEGISLATURE

LD 1175

LR 1364(02)

An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Am (H-936)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Corrections associated with this legislation can be absorbed within existing budgeted resources.