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Legislative Document

No. 495

S.P. 188

In Senate, February 19, 2013

An Act Regarding the Law Pertaining to the Confidentiality of Enhanced 9-1-1 System Information and Records

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Energy, Utilities and Technology suggested and ordered
printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BURNS of Washington.
Cosponsored by Senator: VALENTINO of York.

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

2 **Sec. 1. 25 MRSA §2921, sub-§4-A** is enacted to read:

3 **4-A. Emergency dispatch center.** "Emergency dispatch center" means a center that
4 dispatches emergency services in response to enhanced 9-1-1 requests for emergency
5 services.

6 **Sec. 2. 25 MRSA §2929**, as amended by PL 2011, c. 623, Pt. D, §1 and c. 662,
7 §16, is further amended to read:

8 **§2929. Confidentiality of system information and records**

9 **1. Definition.** As used in this section, "confidential information" means the
10 following information as contained in any database, report, audio recording or other such
11 record of the bureau or a public safety answering point or an emergency dispatch center
12 or as contained in any such record when in the custody of a criminal justice agency, as
13 defined in Title 16, section 611, subsection 4:

14 A. The names, addresses and telephone numbers of persons listed in E-9-1-1
15 databases;

16 B. ~~Names, addresses and telephone numbers that are~~ Customer information, as
17 described in Title 35-A, section 7501-B, that is omitted from a telephone utility
18 directory list at the request of a customer;

19 C. The name, address and telephone number of a caller to a public safety answering
20 point or emergency dispatch center; or

21 D. The name, address and telephone number of and any medical information about a
22 person receiving emergency services through the E-9-1-1 system.

23 **2. Confidentiality.** Confidential information may not be utilized for commercial
24 purposes and may not be disclosed in any manner except as follows:

25 A. A public safety answering point or an emergency dispatch center may disclose
26 confidential information to public or private safety agencies and emergency
27 responders for purposes of processing emergency calls and providing emergency
28 services;

29 B. A public safety answering point or an emergency dispatch center may disclose
30 confidential information to a ~~law enforcement officer or law enforcement~~ criminal
31 justice agency for the purpose of criminal investigations or criminal prosecutions
32 related to an E-9-1-1 call;

33 C. A public safety answering point or an emergency dispatch center may disclose
34 confidential information to designees of the bureau director for the purpose of system
35 maintenance and quality control; and

36 D. The bureau director may disclose confidential information to public safety
37 answering points, emergency dispatch centers, public or private safety agencies,

1 emergency responders or others within the E-9-1-1 system to the extent necessary to
2 implement and manage the E-9-1-1 system.

3 Confidential information that is required to be disclosed to providers of emergency
4 services and providers of emergency support services pursuant to 47 United States Code,
5 Section 222(g) remains subject to the confidentiality provisions of this section, and a
6 provider of emergency services and emergency support services that acquires such
7 confidential information pursuant to that provision of federal law may use the information
8 solely for the purposes of delivering or assisting in the delivery of emergency notification
9 services as defined in 47 United States Code, Section 222(h)(6). System databases,
10 including, but not limited to, those disclosed pursuant to 47 United States Code, Section
11 222(g), remain the property of the bureau pursuant to section 2926, subsection 6. The
12 name, address and telephone number of any person to whom any outgoing emergency
13 notification call is made using confidential information acquired pursuant to 47 United
14 States Code, Section 222(g) are confidential and may not be disclosed except as provided
15 in this section.

16 **3. Disclosure required.** The restrictions on disclosure provided under subsection 2
17 apply only to those portions of databases, reports, audio recordings or other such records
18 of the bureau ~~or~~, a public safety answering point or an emergency dispatch center that
19 contain confidential information. Other information that appears in those records and
20 other records, except information or records declared to be confidential under other law,
21 is subject to disclosure pursuant to Title 1, section 408-A. For the purposes of this
22 subsection, "information or records declared to be confidential under other law" includes,
23 but is not limited to, information or records that relate to a pending law enforcement
24 investigation or a pending criminal prosecution. Public access to such information or
25 records is governed by Title 15, Part 6 in the case of a pending investigation or
26 adjudication of a juvenile crime or by Title 16, section 614. The bureau shall develop
27 procedures to ensure protection of confidential records and information and public access
28 to other records and information. Procedures may involve developing edited copies of
29 records containing confidential information or the production of official summaries of
30 those records that contain the substance of all nonconfidential information.

31 **4. Audio recordings of E-9-1-1 calls; confidential.** Audio recordings of emergency
32 calls made to the E-9-1-1 system are confidential and may not be disclosed except as
33 provided in this subsection. Except as provided in subsection 2, information contained in
34 the audio recordings is public information and must be disclosed in transcript form in
35 accordance with subsection 3. The cost of preparing and disclosing information
36 contained in the audio recordings in transcript form is not subject to the limitation on
37 costs under Title 1, section 408-A, subsection 8. Subject to all the requirements of
38 subsection 2, the bureau ~~or~~, a public safety answering point or an emergency dispatch
39 center may disclose audio recordings of emergency calls made to the E-9-1-1 system in
40 the following circumstances:

41 A. To persons within the E-9-1-1 system to the extent necessary to implement and
42 manage the E-9-1-1 system;

43 B. To a ~~law enforcement officer or law enforcement~~ criminal justice agency, as
44 defined in Title 16, section 611, subsection 4, for the purpose of criminal
45 investigations or criminal prosecutions related to an E-9-1-1 call;

- 1 C. To designees of the bureau director for the purpose of system maintenance and
2 quality control; ~~and~~
- 3 D. In accordance with an order issued on a finding of good cause by a court of
4 competent jurisdiction; ~~and~~
- 5 E. To agencies or persons contracted by the bureau, a public safety answering point,
6 an emergency dispatch center or a criminal justice agency to prepare transcripts of
7 E-9-1-1 call audio recordings pursuant to this subsection.

8 Audio recordings disclosed pursuant to this subsection may not be further disclosed by
9 the agency or person receiving those recordings.

10 **5. Unlisted telephone numbers.** The name and address associated with the number
11 of a telephone company customer with an unlisted telephone number may be furnished to
12 the E-9-1-1 system for processing a request for E-9-1-1 services from that number and for
13 the provision of emergency services resulting from the request.

14 ~~**6. Penalty for disseminating information.** Knowingly disclosing confidential~~
15 ~~information in violation of subsection 2 or knowingly disclosing audio recordings of~~
16 ~~emergency calls to the E-9-1-1 system in violation of subsection 4 is a Class E crime.~~

17 **7. Penalty for disclosing or further disclosing information or records.** A person
18 may not intentionally:

19 A. Disclose confidential information in violation of subsection 2;

20 B. Disclose information or records in violation of subsection 3 if the person has
21 actual knowledge that the information or records are information or records declared
22 to be confidential under other law; or

23 C. Disclose or further disclose audio recordings of emergency calls to the E-9-1-1
24 system in violation of subsection 4.

25 A person who violates this subsection commits a Class E crime.

26 SUMMARY

27 This bill amends the law pertaining to the confidentiality of information and records
28 of the E-9-1-1 system. The bill:

29 1. Clarifies the types of agencies that are subject to the current law governing the
30 confidentiality of E-9-1-1 system information and records;

31 2. Defines the term "information or records declared to be confidential under other
32 law" by providing that the term includes, but is not limited to, information or records that
33 relate to a pending law enforcement investigation or a pending criminal prosecution;

34 3. Ensures that transcripts of E-9-1-1 call recordings may be accurately prepared;

35 4. Clarifies the types of disclosures of confidential information and records that are
36 prohibited under the law; and

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5. Clarifies actions that constitute a violation of E-9-1-1 confidentiality requirements.