

§2927. E-9-1-1 funding**1. Statewide E-9-1-1 surcharge.**

[PL 1993, c. 566, §9 (NEW); MRSA T. 25 §2927, sub-§7 (RP).]

1-A. Statewide E-9-1-1 surcharge.

[PL 1997, c. 409, §1 (AMD); MRSA T. 25 §2927, sub-§7-A (RP).]

1-B. Statewide E-9-1-1 surcharge.

[PL 2009, c. 617, §7 (RP); PL 2009, c. 617, §13 (AFF).]

1-C. Statewide E-9-1-1 surcharge; prepaid wireless service.

[PL 2009, c. 400, §7 (RP); PL 2009, c. 400, §15 (AFF).]

1-D. Funding. The activities authorized under this chapter are funded through:

A. The statewide E-9-1-1 surcharge under subsection 1-E levied on:

- (1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;
- (2) Semipublic coin and public access lines;
- (3) Customers of interconnected voice over Internet protocol service; and
- (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 [PL 2017, c. 422, §1 (AMD); PL 2017, c. 422, §12 (AFF).]

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. [PL 2017, c. 422, §1 (AMD); PL 2017, c. 422, §12 (AFF).]

[PL 2017, c. 422, §1 (AMD); PL 2017, c. 422, §12 (AFF).]

1-E. Statewide E-9-1-1 surcharge. The statewide E-9-1-1 surcharge is governed by this subsection.

A. Prior to January 1, 2020, the statewide E-9-1-1 surcharge is 45¢ per month per line or number. Beginning January 1, 2020, the Public Utilities Commission shall establish the statewide E-9-1-1 surcharge, except that the statewide E-9-1-1 surcharge may not exceed 35¢ per month per line or number. The commission shall establish the statewide E-9-1-1 surcharge by routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, or through other commission proceedings. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. [PL 2019, c. 343, Pt. SSSS, §1 (RPR).]

B. The statewide E-9-1-1 surcharge must be collected from the customer according to subsection 1-D, paragraph A on a monthly basis by each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill. [PL 2009, c. 400, §9 (NEW); PL 2009, c. 400, §15 (AFF).]

C. The place of residence of cellular or wireless telecommunications service customers who are not prepaid wireless telecommunications service consumers must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556. [PL 2009, c. 400, §9 (NEW); PL 2009, c. 400, §15 (AFF).]
[PL 2019, c. 343, Pt. SSSS, §1 (AMD).]

1-F. Statewide prepaid wireless telecommunications service E-9-1-1 surcharge. The statewide prepaid wireless telecommunications service E-9-1-1 surcharge, referred to in this subsection as "the prepaid wireless E-9-1-1 surcharge," is governed by this subsection.

A. Prior to January 1, 2020, the prepaid wireless E-9-1-1 surcharge is 45¢ per retail transaction. Beginning January 1, 2020, the Public Utilities Commission shall establish the prepaid wireless E-9-1-1 surcharge, except that the prepaid wireless E-9-1-1 surcharge may not exceed 35¢ per retail transaction. The commission shall establish the prepaid wireless E-9-1-1 surcharge by routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, or through other commission proceedings. [PL 2019, c. 343, Pt. SSSS, §2 (RPR).]

B. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

C. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

D. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

E. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

F. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

G. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

H. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

I. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]

J. [PL 2011, c. 600, §1 (RP); PL 2011, c. 600, §10 (AFF).]
[PL 2019, c. 343, Pt. SSSS, §2 (AMD).]

1-G. E-9-1-1 funding obligation; limitation. The statewide E-9-1-1 surcharge imposed by subsection 1-E and the prepaid wireless E-9-1-1 surcharge imposed by subsection 1-F are the only E-9-1-1 funding obligations imposed with respect to telecommunications services in this State, and another tax, fee, surcharge or other charge may not be imposed by this State, any political subdivision of this State or any intergovernmental agency for funding E-9-1-1 purposes on any telecommunications service with respect to the sale, purchase, use or provision of that telecommunications service. [PL 2009, c. 400, §11 (NEW); PL 2009, c. 400, §15 (AFF).]

2. Surcharge remittance.

[PL 1993, c. 566, §9 (NEW); MRSA T. 25 §2927, sub-§7 (RP).]

2-A. Surcharge remittance.

[PL 1997, c. 409, §1 (AMD); MRSA T. 25 §2927, sub-§7-A (RP).]

2-B. Surcharge remittance. Each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider shall remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to subsection 1-D on a monthly basis and within one month of the month collected, except that a utility or provider whose average monthly surcharge remittance payment for the prior calendar year is less than \$5,000 shall remit the E-9-1-1 surcharge revenues on a quarterly basis, to the Treasurer of State for deposit in a separate account known as the E-9-1-1 fund. Each telephone utility or service provider required to remit statewide E-9-1-1 surcharge revenues shall provide, on a form approved by the bureau, supporting data, including but not limited to the following:

- A. The calculation used to arrive at the surcharge remittance amount; [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- B. The calculation used to arrive at the uncollectible amount of surcharge; [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- C. The total surcharge; [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- D. The month and year or the quarter and year for which surcharge is remitted; [PL 2013, c. 119, §4 (AMD).]
- E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; and [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]
- F. The preparer's name and telephone number. [PL 2001, c. 439, Pt. EEEE, §7 (NEW).]

Prepaid wireless E-9-1-1 surcharges collected by sellers must be remitted to the State Tax Assessor in accordance with Title 35-A, section 7104-C. [PL 2013, c. 119, §4 (AMD).]

3. Expenditure of funds. The bureau may use the revenues in the E-9-1-1 fund to fund staff and to defray costs associated with the implementation, operation and management of E-9-1-1, including the deployment of E-9-1-1 service using emerging communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points, and may transfer funds to the Other Special Revenue Funds, Emergency Medical Services account within the Department of Public Safety to defray the costs, including necessary staffing costs, of the Emergency Medical Services' Board in implementing the requirements of Title 32, section 85-A. The bureau, to the extent it determines sufficient funds are available in the E-9-1-1 fund, shall use revenues in the E-9-1-1 fund to reimburse local exchange carriers and cellular and wireless telecommunications service providers for eligible expenses incurred by the carriers and service providers. For purposes of this subsection, the term "eligible expenses" means expenses:

- A. Incurred in preparing, correcting, verifying or updating subscriber information for use in databases necessary to implement the E-9-1-1 system; [PL 2003, c. 194, §1 (AMD).]
- B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided; and [PL 2003, c. 194, §1 (AMD).]
- C. When incurred by a cellular or wireless telecommunications service provider:
 - (1) That are approved by the bureau to be properly incurred for the implementation of E-9-1-1 technologies and procedures;
 - (2) That are not separately billed to customers; and
 - (3) For which the provider is not reimbursed from any other source. [PL 2003, c. 194, §1 (NEW).]

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B. [PL 2013, c. 119, §5 (AMD).]

3-A. Payment of emergency medical dispatch training costs. To assist public safety answering points in meeting the requirements of Title 32, section 85-A, the bureau shall provide free training courses for emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D or reimburse public safety answering points for reasonable costs, as determined by the bureau, incurred for training courses approved by the bureau and attended by employees of the public safety answering point upon submission by the public safety answering point of adequate documentation of completion of the courses by the employees. The bureau shall provide each public safety answering point a sufficient number of approved Emergency Medical Dispatch Priority

Reference System documents in printed or electronic format, as determined by the bureau pursuant to Title 32, section 85-A. All costs incurred by the bureau under this subsection must be paid from the E-9-1-1 fund.

[PL 2005, c. 303, §2 (NEW).]

3-B. Support of supervisory positions.

[PL 2009, c. 617, §10 (NEW); MRS T. 25 §2927, sub-§3-B (RP).]

3-C. Payment for standardized dispatch protocols for fire 9-1-1 calls. To assist public safety answering points in the adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls, the bureau shall use up to 5¢ of each surcharge collected under subsections 1-E and 1-F to provide public safety answering points dispatcher training consistent with the protocols, necessary software and printed support materials. The bureau shall provide quality assurance training and software to assist public safety answering points in ensuring compliance with the protocols.

A. The bureau shall adopt rules related to the adoption, implementation and administration of standardized dispatch protocols for answering fire 9-1-1 calls. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 230, §1 (NEW).]

[PL 2015, c. 230, §1 (NEW).]

3-D. Grants for dispatch consolidation. To support the consolidation of dispatch centers into existing public safety answering points, the bureau shall use up to \$1,000,000 from the funds collected from the statewide E-9-1-1 surcharge under subsection 1-E and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge under subsection 1-F to provide grants to dispatch centers for nonrecurring costs associated with the consolidation of the dispatch centers into public safety answering points. The bureau shall adopt rules establishing the application process for the distribution of grants and establishing the allowable uses of grants pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 428, §1 (NEW).]

4. Unexpended funds; interest. Any amount of the E-9-1-1 fund not expended at the end of the fiscal year may not lapse but must be carried forward to be expended for the purposes specified in this chapter in succeeding fiscal years. The Treasurer of State shall credit all interest on fund balances to the fund.

[PL 1993, c. 566, §9 (NEW).]

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

A. The bureau's planned expenditures for the year and use of funds for the previous year; [PL 2009, c. 617, §11 (RPR).]

B. The statewide E-9-1-1 surcharge collected under this section; [PL 2009, c. 617, §11 (RPR).]

C. The bureau's recommended statewide E-9-1-1 surcharge for the coming year; [PL 2009, c. 617, §11 (RPR).]

D. The bureau's recommendations for amending existing and enacting new law to improve the E-9-1-1 system; and [PL 2009, c. 617, §11 (RPR).]

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

dispatching standards, practices and procedures of public safety answering points. [PL 2009, c. 617, §11 (RPR).]

[PL 2009, c. 617, §11 (RPR).]

5-A. Committee recommendations; budget. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding all expenditures from the E-9-1-1 fund.

[PL 1999, c. 790, Pt. A, §31 (AMD).]

6. Violations. A telephone utility, a cellular or wireless telecommunications service provider, including a prepaid wireless telephone service provider, or an interconnected voice over Internet protocol service provider subject to this section that intentionally and knowingly fails to remit the statewide E-9-1-1 surcharge revenues collected under this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each day that payment is not made after the due date.

[PL 2007, c. 68, §8 (AMD).]

7. Repeal.

[PL 1997, c. 409, §1 (RP).]

7-A. Repeal. Subsections 1-A and 2-A are repealed 90 days after the adjournment of the First Regular Session of the 119th Legislature.

[PL 1997, c. 409, §1 (AMD).]

8. Rules. The Public Utilities Commission shall adopt rules necessary to implement the provisions of this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 68, §9 (NEW).]

SECTION HISTORY

PL 1993, c. 566, §9 (NEW). PL 1995, c. 672, §§1-4 (AMD). PL 1997, c. 409, §1 (AMD). PL 1999, c. 651, §§1,2 (AMD). PL 1999, c. 651, §4 (AFF). PL 1999, c. 790, §A31 (AMD). PL 2001, c. 439, §§EEEE6,7 (AMD). PL 2001, c. 584, §1 (AMD). PL 2001, c. 584, §10 (AFF). PL 2003, c. 194, §1 (AMD). PL 2003, c. 359, §4 (AMD). PL 2003, c. 673, §V4 (AMD). PL 2003, c. 673, §V29 (AFF). PL 2005, c. 303, §§1,2 (AMD). PL 2007, c. 68, §§5-9 (AMD). PL 2007, c. 637, §1 (AMD). PL 2009, c. 122, §6 (AMD). PL 2009, c. 219, §3 (AMD). PL 2009, c. 400, §§6-12 (AMD). PL 2009, c. 400, §15 (AFF). PL 2009, c. 416, §1 (AMD). PL 2009, c. 617, §§7-11 (AMD). PL 2009, c. 617, §13 (AFF). PL 2011, c. 600, §§1, 2 (AMD). PL 2011, c. 600, §10 (AFF). PL 2013, c. 119, §§4, 5 (AMD). PL 2015, c. 230, §1 (AMD). PL 2017, c. 422, §1 (AMD). PL 2017, c. 422, §12 (AFF). PL 2017, c. 428, §1 (AMD). PL 2019, c. 343, Pt. SSSS, §§1, 2 (AMD).

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