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**An Act To Make Certain Changes to the Laws
Regarding E-9-1-1 Surcharge Collection from Prepaid
Wireless and Voice over Internet Protocol Providers**

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

Sec. 1. 25 MRSA §2927, sub-§1-B, as amended by PL 2007, c. 637, §1, is further amended to read:

1-B. Statewide E-9-1-1 surcharge. The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service customers, including prepaid wireless telephone service customers, interconnected voice over Internet protocol service customers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account, except that this limitation does not apply to prepaid wireless telephone services. In the case of nonprepaid cellular or wireless telecommunications service customers, the customer's place of residence of those customers primary use must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556. In the case of customers or purchasers of prepaid cellular or wireless telecommunications service, the determination of whether the customer or purchaser has a reasonable nexus to this State must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556. The Public Utilities Commission may by rule establish additional criteria indicative of a nexus to this State, including the assignment of prepaid wireless service to a telephone number within an area code assigned to this State. The statewide E-9-1-1 surcharge is 30¢ per month per line or number or, in the case of prepaid wireless telephone services, 30¢ per month or 30-day increment of service per customer. The statewide E-9-1-1 surcharge must be collected from the customer 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, except that in the case of prepaid wireless telephone service, the collection of the statewide E-9-1-1 surcharge is governed by subsection 1-C.

Sec. 2. 25 MRSA §2927, sub-§1-C, as enacted by PL 2007, c. 68, §6, is amended to read:

1-C. Statewide E-9-1-1 surcharge; prepaid wireless service. The statewide E-9-1-1 surcharge, referred to in this subsection as "the surcharge," must be collected from prepaid wireless telephone service customers by the prepaid wireless telephone service provider. The prepaid wireless telephone service provider is authorized to:

A. Collect the surcharge on a monthly basis from each customer whose account balance is equal to or greater than the amount of the surcharge;

B. Collect the surcharge, or contract with a retail seller of prepaid wireless telephone service to collect the surcharge, from the customer or purchaser at the point-of-sale for each 30-day increment of prepaid wireless telephone service that is purchased at the time of sale; or

C. Collect the surcharge indirectly from customers by calculating the total surcharge owed by its customers and remitting that amount to the Treasurer of State in accordance with subsection 2-B. A prepaid wireless telephone service provider that elects the collection method specified in this paragraph must calculate the total surcharge owed by:

(1) Dividing itsthe total intrastate prepaid wireless revenue for the month that the provider has received from customers or purchasers having a nexus to this State as determined pursuant to subsection 1-B or pursuant to rule of the Public Utilities Commission by the provider's national average monthly revenue per usercustomer or purchaser for prepaid wireless service, as defineddetermined by the Public Utilities Commission by rule; and

(2) Multiplying the result obtained under subparagraph (1) by the amount of the surcharge.

SUMMARY

Public Law 2007, chapter 68 amended the Maine Revised Statutes, Title 25, section 2927 and clarified that the E-9-1-1 surcharge applies to prepaid wireless service and interconnected voice over Internet protocol providers. Chapter 68 also required the Public Utilities Commission to adopt rules to implement the provisions of section 2927. This bill makes certain changes to section 2927 to facilitate the commission's implementation of the section in the course of the rulemaking.

The Maine Revised Statutes, Title 25, section 2927 presently states that the "residence" of cellular or wireless service customers must be determined pursuant to the "sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556." This bill substitutes the term "place of primary use" for "residence" because "place of primary use" is the criterion used in Title 36, section 2556. This bill amends Title 25, section 2927, subsection 1-B to state that the commission by rule may establish other criteria to determine when prepaid cellular or wireless service customers or purchasers have a nexus to Maine, including the assignment of prepaid wireless service to a telephone number within Maine's area code.

This bill addresses the provision that allows indirect payment of the E-9-1-1 surcharge. It amends the formula for determining the total surcharge that is collected indirectly from prepaid wireless telephone customers. In the Maine Revised Statutes, Title 25, section 2927, subsection 1-C, paragraph C, subparagraph (1), the bill substitutes the phrase "total prepaid wireless revenue for the month that the provider has received from customers or purchasers having a nexus to this State" for the present phrase "total intrastate prepaid wireless revenue for the month." This bill also clarifies that the national average revenue used must be that of the individual provider.