

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 1281 - L.D. 1800

**An Act To Modernize the E-9-1-1 Laws To Include Text Messaging and
Other Methods of Contacting E-9-1-1**

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

Sec. 1. 25 MRSA §1533, as amended by PL 2013, c. 19, §4, is further amended to read:

§1533. Bureau of Consolidated Emergency Communications

The Bureau of Consolidated Emergency Communications, referred to in this chapter as "the bureau," is established within the department for the provision of emergency dispatch and ~~E-9-1-1~~ 9-1-1 call-taking services to municipal, county and state government entities.

As used in this section, "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

1. Coordination with the Public Utilities Commission. In accordance with a designation made by the Public Utilities Commission, the department shall provide ~~E-9-1-1~~ 9-1-1 call-taking services.

2. Director; duties. The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall establish and carry out policies and procedures. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day ~~E-9-1-1~~ 9-1-1 call-taking and dispatching services to first responders.

Sec. 2. 25 MRSA §1535, as amended by PL 2013, c. 19, §5, is further amended by adding after the first paragraph a new paragraph to read:

As used in this section, "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

Sec. 3. 25 MRSA §1535, sub-§2, as amended by PL 2013, c. 19, §5, is further amended to read:

2. Base funding level. In order to determine incremental costs under subsection 1, the bureau shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and ~~E-9-1-1~~ 9-1-1 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the bureau from its determination of incremental costs under subsection 1.

Sec. 4. 25 MRSA §2921, sub-§17 is enacted to read:

17. 9-1-1 call. "9-1-1 call" means any use of enhanced 9-1-1 services initiated by any means or medium, including, but not limited to, voice calls and text messaging.

Sec. 5. 25 MRSA §2926, sub-§2, ¶B, as amended by PL 2001, c. 439, Pt. EEEE, §3, is further amended to read:

B. Development of minimum public safety answering point requirements including 24-hour operation; emergency backup power; secured communication areas; separate administrative phone lines for nonemergency calls; call recording and playback equipment; TDD equipment, as defined in Title 35-A, section 8702, subsection 6; maximum call handling times; and minimum mandatory staff training requirements for ~~E-9-1-1~~ 9-1-1 call answering and dispatching;

Sec. 6. 25 MRSA §2929, sub-§2, ¶B, as amended by PL 2015, c. 153, §2, is further amended to read:

B. A public safety answering point may disclose confidential information to a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

Sec. 7. 25 MRSA §2929, sub-§4, as amended by PL 2019, c. 84, §1, is further amended to read:

4. Audio recordings of 9-1-1 calls; confidential. Audio recordings of ~~emergency 9-1-1 calls made to the E-9-1-1 system~~ emergency 9-1-1 calls are confidential and may not be disclosed except as provided in this subsection. Except as provided in subsection 2, information contained in the audio recordings is public information and must be disclosed in transcript form in accordance with subsection 3. Subject to all the requirements of subsection 2, the bureau or a public safety answering point may disclose audio recordings of ~~emergency 9-1-1 calls made to the E-9-1-1 system~~ emergency 9-1-1 calls in the following circumstances:

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

B. To a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

B-1. Directly to the clerk's office of a court presiding over a protection from abuse or protection from harassment action if a party in the action made one or more ~~E-9-1-1~~ 9-1-1 calls relevant to the action and that party, or that party's attorney, contacts the custodian of the audio recordings of the call or calls and requests that the recordings be forwarded to that clerk's office for use in a hearing on the complaint for protection from abuse or complaint for protection from harassment. At its discretion, the court presiding over the action may permit the parties to the action, and their attorneys if the parties are represented, to access the recordings and, on a finding of good cause, may permit copies of the recordings to be provided to the parties and their attorneys if the parties are represented. In making a request for recordings pursuant to this paragraph, the party making the request, or that party's attorney, shall provide to the custodian of the audio recordings the names of the parties to the protection from abuse or protection from harassment action, the name of the court presiding over the action and the docket number of the action. The request must be made in writing, including, but not limited to, by electronic mail, and must be made so as to provide a reasonable amount of time for the custodian to search for, retrieve and send the recordings to the clerk's office of the presiding court. The recordings must be sent in a format used by the custodian of the recordings and the courts;

C. To designees of the bureau director for the purpose of system maintenance and quality control;

C-1. To a person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A rule or order of a court of competent jurisdiction.

As used in this paragraph, "agent" means a licensed professional investigator or an expert witness, or a parent, foster parent or guardian if the accused person has not attained 18 years of age; and

D. In accordance with an order issued on a finding of good cause by a court of competent jurisdiction.

Sec. 8. 25 MRSA §2929, sub-§6, as amended by PL 2007, c. 209, §6, is further amended to read:

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

Sec. 9. 25 MRSA §2931, sub-§1, ¶¶A and B, as amended by PL 2003, c. 452, Pt. N, §7 and affected by Pt. X, §2, are further amended to read:

A. Makes repeated ~~telephone 9-1-1 calls to a public safety answering point by dialing 9-1-1~~ to make nonemergency reports or inquiries;

B. Causes ~~telephone 9-1-1 calls to be made to a public safety answering point~~ using an alarm or other alerting device that automatically ~~dials~~ contacts 9-1-1 and transmits a prerecorded signal or message; or

Sec. 10. 25 MRSA §2934, sub-§1, as amended by PL 2017, c. 48, §1, is further amended to read:

1. Requirements. The bureau may by rule establish requirements for locating ~~emergency 9-1-1~~ calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems and voice over Internet protocol systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. Rules adopted pursuant to this section:

A. May not require any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues;

B. Apply only to multiline telephone systems installed, introduced, established or replaced after the effective date of the rules;

C. Must provide for appropriate standards, exemptions and waivers that balance the benefits of improved methods of locating ~~emergency 9-1-1~~ calls, and initiating emergency responses to such calls, made from within multiline telephone systems and the cost of achieving those improvements. The rules must allow, in appropriate circumstances, for methods that do not utilize automatic location identification and automatic number identification standards used in processing ~~enhanced~~ 9-1-1 calls; and

D. May establish appropriate technical, procedural or any other standards relating to multiline telephone systems, telecommunications carrier interconnectivity, databases, dialing instructions, signaling or other matters necessary or appropriate to carry out the purposes of this section.

Sec. 11. 32 MRSA §85-A, sub-§1, ¶B, as enacted by PL 2005, c. 303, §3, is amended to read:

B. "Emergency Medical Dispatch Priority Reference System" means a system approved by the bureau and the board that includes:

(1) A protocol for emergency medical dispatcher response to 9-1-1 calls;

(2) A continuous quality improvement program that measures compliance with the protocol through ongoing random case review of each emergency medical dispatcher; and

(3) A training curriculum and testing process consistent with the protocol.

Sec. 12. 32 MRSA §85-A, sub-§1, ¶C, as amended by PL 2007, c. 42, §1, is further amended to read:

C. "Emergency medical dispatch services" means any of the following services provided in the context of ~~an emergency~~ a 9-1-1 call ~~made to the E-9-1-1 system~~:

- (1) Reception, evaluation or processing of calls;
- (2) Provision of dispatch life support;
- (3) Management of requests for emergency medical assistance; and
- (4) Evaluation or improvement of the emergency medical dispatch process, including identifying the nature of an emergency request, prioritizing the urgency of a request, dispatching necessary resources, providing medical aid and safety instructions to the caller and coordinating the responding resources as needed.

Sec. 13. 32 MRSA §85-A, sub-§1, ¶G is enacted to read:

G. "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

Sec. 14. 32 MRSA §85-A, sub-§2-A, as amended by PL 2011, c. 271, §11, is further amended to read:

2-A. Requirement to provide emergency medical dispatch services. A public safety answering point or other licensed emergency medical dispatch center must provide emergency medical dispatch services on all medical ~~E-9-1-1~~ 9-1-1 calls directly or by transferring the call to another licensed emergency medical dispatch center.