CHAPTER 71

GENERAL PROVISIONS

§7101. Telecommunications policy

1. Universal service. The Legislature declares and finds that the 50-year effort to bring affordable, universally available telephone service to the public has served the State well; universal telephone service has contributed to the State's economic, social and political integration and development; the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the State can be called; and a significant rate increase may threaten universal service by forcing some Maine people to discontinue their telephone service. It is the policy of the State that telephone service must continue to be universally available, especially to the poor, at affordable rates.
[PL 1993, c. 410, Pt. OOO, §1 (NEW).]

2. Economic development. The Legislature further declares and finds that a modern state-of-the-art telecommunications network is essential for the economic health and vitality of the State and for improvement in the quality of life for all Maine citizens. Therefore, it is the goal of the State that all Maine's businesses and citizens should have affordable access to an integrated telecommunication infrastructure capable of providing voice, data and image-based services. The State shall consider policies that:

A. Encourage economic development; [PL 1993, c. 410, Pt. OOO, §1 (NEW).]

B. Employ methods of regulation that encourage the development and deployment of new technologies; and [PL 1993, c. 410, Pt. OOO, §1 (NEW).]

C. Encourage acceptable service applications that support economic development initiatives or otherwise improve the well-being of Maine citizens. [PL 1993, c. 410, Pt. OOO, §1 (NEW).]
[PL 1993, c. 410, Pt. OOO, §1 (NEW).]

3. Report.

[PL 1995, c. 631, §1 (RP); PL 1995, c. 631, §5 (AFF).]

4. Information access. The Legislature further declares and finds that computer-based information services and information networks are important economic and educational resources that should be available to all Maine citizens at affordable rates. It is the policy of the State that affordable access to those information services that require a computer and rely on the use of the telecommunications network should be made available in all communities of the State without regard to geographic location.
[PL 1995, c. 631, §2 (NEW); PL 1995, c. 631, §5 (AFF).]

5. Homeland security and emergency alerts. The Legislature further finds that seamless, integrated, robust and redundant means of communication, including, but not limited to, voice and alphanumeric pagers, landline telephones, wireless telephones, text radio and wireless e-mail, create a robust communication system that enables rapid contact with first responders, ensures emergency alert notification to all affected persons in the State, including at-risk populations such as persons who have hearing loss or visual impairments, and enhances homeland security. It is the policy of the State to encourage the deployment of the infrastructure necessary to support such a communications system.
[PL 2021, c. 348, §53 (AMD).]

6. Prepaid wireless telecommunications services. The Legislature further finds that, because prepaid wireless telecommunications services are provided to consumers without a periodic bill, the

collection of fees and surcharges regarding prepaid wireless telecommunications services must be accomplished according to a methodology that differs from the collection of fees and surcharges on other wireless telecommunications services to ensure fairness and competitive neutrality with respect to other telecommunications services provided to consumers of wireless telecommunications services who do receive a periodic bill.
[PL 2011, c. 600, §3 (NEW); PL 2011, c. 600, §10 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1993, c. 410, §OOO1 (RPR). PL 1993, c. 638, §1 (AMD). PL 1995, c. 631, §§1,2 (AMD). PL 1995, c. 631, §5 (AFF). PL 2003, c. 553, §B1 (AMD). PL 2011, c. 600, §3 (AMD). PL 2011, c. 600, §10 (AFF). PL 2021, c. 348, §53 (AMD).

§7101-A. Telecommunications privacy; policy

The Legislature declares and finds the following. [PL 1991, c. 654, §1 (NEW); PL 1991, c. 654, §5 (AFF).]

1. Privacy right. Telephone subscribers have a right to privacy and the protection of this right to privacy is of paramount concern to the State.
[PL 1991, c. 654, §1 (NEW); PL 1991, c. 654, §5 (AFF).]

2. Exercise of right. To exercise their right to privacy, telephone subscribers must be able to limit the dissemination of their telephone numbers to persons of their choosing.
[PL 1991, c. 654, §1 (NEW); PL 1991, c. 654, §5 (AFF).]

SECTION HISTORY

PL 1991, c. 654, §1 (NEW). PL 1991, c. 654, §5 (AFF).

§7101-B. Access rates

1. Definitions. As used in this section, the term "intrastate access rates" means rates that a telecommunications service provider pays for access to a local exchange carrier's facilities and services in order to provide intrastate interexchange service.
[PL 1997, c. 259, §1 (NEW).]

2. Access rates.

[PL 2017, c. 73, §2 (RP).]

3. Consumer rates.
[PL 2017, c. 73, §3 (RP).]

4. Access rates. The commission shall ensure that intrastate access rates are just and reasonable and consistent with federal law. The commission may adopt rules to implement 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. 73, §4 (NEW).]

SECTION HISTORY

PL 1997, c. 259, §1 (NEW). PL 2003, c. 101, §1 (AMD). PL 2017, c. 73, §§2-4 (AMD).

§7102. Definitions

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 141, Pt. A, §6 (NEW).]

1. Emergency. "Emergency" means a situation in which property or human or animal life is in jeopardy and the prompt summoning of aid is essential.
[PL 1987, c. 490, Pt. C, §15 (AMD).]

1-A. Caller-ID. "Caller-ID" means a service that allows a person who receives a telephone call to know, by means of an appropriate device, the telephone access line identification number or other telephone access line identification information. "Caller-ID" does not include the following:

A. An identification service that is used within the same limited system, including but not limited to a private branch exchange, or PBX, system or a Centrex system; [PL 1991, c. 654, §2 (NEW); PL 1991, c. 654, §5 (AFF).]

B. An identification service provided in connection with toll-free, or "800" access code, telephone service or a similar telephone service; [PL 2011, c. 623, Pt. C, §6 (AMD).]

C. An identification service that provides billing information to another telephone utility or to others providing service to a customer; [PL 1991, c. 654, §2 (NEW); PL 1991, c. 654, §5 (AFF).]

D. An identification service that is used on a public agency's emergency telephone line or on the line that receives the 9-1-1 or primary emergency telephone number; and [PL 1991, c. 654, §2 (NEW); PL 1991, c. 654, §5 (AFF).]

E. An identification service provided in connection with legally sanctioned call tracing or tapping procedures. [PL 1991, c. 654, §2 (NEW); PL 1991, c. 654, §5 (AFF).]

[PL 2011, c. 623, Pt. C, §6 (AMD).]

1-B. Line-item charge. "Line-item charge" means a discrete charge identified separately on a customer's telephone bill.

[PL 2009, c. 36, §1 (NEW).]

2. Party line. "Party line" means a subscribers' line telephone circuit, consisting of 2 or more main telephone stations connected with the circuit, each station with a distinctive ring and telephone number.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

3. Public telephone. "Public telephone" means a telephone made available for voice message use by members of the transient or general public for compensation, including pay telephones and any telephones provided for the use of lodgers in or patrons of hotels, motels, hospitals, medical and convalescent care facilities, academic institutions, transportation terminals, government offices, public buildings, restaurants or other places of public accommodation or prisons and other confinement facilities.

[PL 1989, c. 651, §1 (NEW).]

4. Prepaid wireless telecommunications service. "Prepaid wireless telecommunications service" has the same meaning as in Title 25, section 2921, subsection 13.

[PL 2011, c. 600, §4 (NEW); PL 2011, c. 600, §10 (AFF).]

5. Prepaid wireless telecommunications service consumer or prepaid wireless consumer. "Prepaid wireless telecommunications service consumer" or "prepaid wireless consumer" has the same meaning as in Title 25, section 2921, subsection 13-A.

[PL 2011, c. 600, §4 (NEW); PL 2011, c. 600, §10 (AFF).]

6. Prepaid wireless telecommunications service provider. "Prepaid wireless telecommunications service provider" has the same meaning as in Title 25, section 2921, subsection 14.

[PL 2011, c. 600, §4 (NEW); PL 2011, c. 600, §10 (AFF).]

6-A. Price cap incumbent local exchange carrier or price cap ILEC. "Price cap incumbent local exchange carrier" or "price cap ILEC" means an incumbent local exchange carrier that agreed to accept Connect America Fund Phase II support pursuant to the Federal Communications Commission's Report and Order released on December 18, 2014, in In the Matter of Connect America Fund, WC

Docket No. 10-90, FCC 14-190, for locations within the State on or before January 1, 2016 and does not receive funding from a state universal service fund under section 7104.
[PL 2015, c. 462, §1 (NEW).]

7. Retail transaction. "Retail transaction" has the same meaning as in Title 25, section 2921, subsection 15.
[PL 2011, c. 600, §4 (NEW); PL 2011, c. 600, §10 (AFF).]

8. Seller. "Seller" has the same meaning as in Title 25, section 2921, subsection 16.
[PL 2011, c. 600, §4 (NEW); PL 2011, c. 600, §10 (AFF).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 490, §C15 (AMD). PL 1989, c. 651, §1 (AMD). PL 1991, c. 654, §2 (AMD). PL 1991, c. 654, §5 (AFF). PL 2009, c. 36, §1 (AMD). PL 2011, c. 600, §4 (AMD). PL 2011, c. 600, §10 (AFF). PL 2011, c. 623, Pt. C, §6 (AMD). PL 2015, c. 462, §1 (AMD).

§7103. Automated calling procedures

(REPEALED)

SECTION HISTORY

PL 1991, c. 252, §2 (NEW). PL 1991, c. 352, §1 (NEW). PL 1991, c. 654, §3 (RPR). PL 1991, c. 654, §5 (AFF). PL 1993, c. 589, §12 (AMD). PL 1995, c. 334, §3 (RP).

§7104. Affordable telephone service

1. Low-income support. The commission shall require telephone utilities to participate in statewide outreach programs designed to increase the number of low-income telephone customers on the network through increased participation in any universal service program approved by the commission.
[PL 1997, c. 692, §1 (NEW).]

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

A. "North American Numbering Plan Administrator" means a North American organization responsible for neutrally administering numbering resources in a Maine numbering plan area. [PL 2023, c. 144, §1 (NEW).]

B. "Number placed in service" means an active 10-digit telephone number that is:

(1) Compliant with the guidelines established by the North American Numbering Plan Administrator for use by a voice network service provider;

(2) Has been assigned to an end user customer of the voice network service provider; and

(3) Is capable of receiving voice traffic from, or originating voice traffic to, the public switched telephone network. [PL 2023, c. 144, §1 (NEW).]

C. "Numbering plan area" has the same meaning as in 47 Code of Federal Regulations, Section 52.7(a) in effect on December 16, 2022. [PL 2023, c. 144, §1 (NEW).]

D. "Numbering resources" means blocks of telephone numbers provided to authorized voice network service providers in a numbering plan area by the North American Numbering Plan Administrator. [PL 2023, c. 144, §1 (NEW).]

E. "Voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network

and includes a provider of interconnected voice over Internet protocol service required to register with the commission pursuant to section 7110, subsection 2. [PL 2023, c. 144, §1 (NEW).]
[PL 2023, c. 144, §1 (NEW).]

2. General availability. The commission shall seek to ensure that provider of last resort service is available at reasonably comparable rates to consumers throughout all areas of the State in which the service is available pursuant to section 7221.
[PL 2015, c. 462, §2 (AMD).]

3. Authority. The commission shall adopt rules to implement this section and may require voice network service providers using numbers placed in service for the State's numbering plan area from the North American Numbering Plan Administrator or its successor to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this Title and the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56. A voice network service provider is not required to contribute to the state universal service fund for telephone numbers that are acquired by the provider but are not placed in service. Prior to requiring that voice network service providers contribute to a state universal service fund, the commission shall assess the telecommunications needs of the State's consumers and establish the level of support required to meet those needs. If the commission establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Funds contributed to a state universal service fund are not state funds. Rules and any state universal service fund requirements established by the commission pursuant to this section must:

A. Be reasonably designed to maximize federal assistance available to the State for universal service purposes; [PL 1997, c. 692, §1 (NEW).]

B. Meet the State's obligations under the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56; [PL 2011, c. 623, Pt. B, §14 (AMD).]

C. Be consistent with the goals of the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56; [PL 2011, c. 623, Pt. B, §14 (AMD).]

D. Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral; [PL 2017, c. 422, §2 (AMD); PL 2017, c. 422, §12 (AFF).]

E. [PL 2011, c. 623, Pt. B, §14 (RP).]

F. [PL 2011, c. 623, Pt. B, §14 (RP).]

G. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on that bill of any charge imposed under this section; and [PL 2017, c. 422, §3 (AMD); PL 2017, c. 422, §12 (AFF).]

H. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers for optional services that are not supported by federal universal service support funds. [PL 2017, c. 422, §4 (NEW); PL 2017, c. 422, §12 (AFF).]

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commission may investigate a voice network service provider to ensure compliance with this section.
[PL 2023, c. 144, §2 (AMD).]

3-A. Determination of amount of prepaid wireless telecommunications service fee. The commission shall determine by rule the amount of the fee on prepaid wireless telecommunications service that is required to be contributed to a state universal service fund established under subsection 3. The fee is a fixed amount per retail transaction established by multiplying $25 by a percentage that is determined by the commission for purposes of calculating contributions to the state universal service fund by providers of intrastate telecommunications services. The fee must be rounded to the nearest penny. The fee may not be adjusted by the commission more frequently than once every 24 months. The collection of the fee is governed by section 7104-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 600, §5 (NEW); PL 2011, c. 600, §10 (AFF).]

4. Standards and reporting.
[PL 2011, c. 623, Pt. B, §15 (RP).]

5. Funds for Communications Equipment Fund. The commission shall annually transfer $250,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A.

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the $250,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional $100,000.

A. [PL 2005, c. 305, §1 (RP); PL 2005, c. 336, §3 (RP).]

B. [PL 2005, c. 305, §1 (RP); PL 2005, c. 336, §3 (RP).]

The commission may require contributions to the state universal service fund in an amount necessary to collect amounts transferred pursuant to this subsection.
[PL 2025, c. 388, Pt. RRR, §1 (AMD).]

6. Public-interest pay phone support. The commission may require contributions to a state universal service fund established pursuant to this section in an amount sufficient to collect up to $50,000 each year to fund public-interest pay phones pursuant to section 7508. The commission shall maintain an accounting of all funds contributed to the state universal service fund pursuant to this subsection and all funds expended pursuant to section 7508. Funds contributed to the state universal service fund pursuant to this subsection may be expended only for the purposes of section 7508.
[PL 2005, c. 131, §1 (NEW).]

7. Telecommunications relay services support. In order to ensure the affordability of telecommunications relay services throughout the State, the commission shall establish funding support for telecommunications relay services, including related outreach programs, within the state universal service fund established pursuant to subsection 3.

A. In establishing the total level of support for the state universal service fund, the commission shall include funding levels for telecommunications relay services as requested by the Telecommunications Relay Services Council, as established in section 8704, pursuant to the submission of an annual budget in accordance with section 8704, subsection 6. The commission shall transfer funds requested by the council, up to a maximum of $600,000 annually, in quarterly installments to the Telecommunications Relay Services Council Fund established in section 8704, subsection 2-A. The commission shall require contributions to the state universal service fund on a quarterly basis to meet the established funding support levels. [PL 2017, c. 408, §3 (AMD).]

B. [PL 2017, c. 408, §3 (RP).]
[PL 2017, c. 408, §3 (AMD).]

8. Maximization of support. The commission shall pursue all activities necessary to maximize the amount of federal support received by voice service providers offering voice and broadband service in the State.
[PL 2011, c. 623, Pt. B, §17 (NEW).]

9. Blind and Visually Impaired News Access Fund. The commission shall annually transfer $40,000 from a state universal service fund established pursuant to this section to the Blind and Visually Impaired News Access Fund established under Title 27, section 9.
[PL 2019, c. 15, §2 (NEW).]

10. Designation of eligible service providers. The commission may designate any provider or reseller of commercial mobile radio service, as defined in 47 Code of Federal Regulations, Section 20.3, as an eligible telecommunications carrier for purposes of receiving federal universal service support and offering services supported by federal universal service support mechanisms pursuant to 47 United States Code, Sections 214(e)(1) and 214(e)(2) and 47 Code of Federal Regulations, Section 54.201. The commission may adopt rules necessary to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 568, §1 (NEW).]

SECTION HISTORY

PL 1991, c. 654, §4 (NEW). PL 1991, c. 654, §5 (AFF). PL 1997, c. 692, §1 (RPR). PL 1999, c. 60, §1 (AMD). PL 2003, c. 553, §A4 (AMD). PL 2005, c. 131, §1 (AMD). PL 2005, c. 305, §§1,2 (AMD). PL 2005, c. 336, §3 (AMD). PL 2005, c. 683, §A59 (AMD). PL 2007, c. 224, §3 (AMD). PL 2011, c. 600, §5 (AMD). PL 2011, c. 600, §10 (AFF). PL 2011, c. 623, Pt. B, §§13-17 (AMD). PL 2013, c. 600, §2 (AMD). PL 2015, c. 462, §2 (AMD). PL 2017, c. 408, §3 (AMD). PL 2017, c. 422, §§2-4 (AMD). PL 2017, c. 422, §12 (AFF). PL 2019, c. 15, §2 (AMD). PL 2019, c. 343, Pt. UUU, §4 (AMD). PL 2023, c. 144, §§1, 2 (AMD). PL 2023, c. 568, §1 (AMD). PL 2025, c. 388, Pt. RRR, §1 (AMD).

§7104-A. Access to information services

(REPEALED)

SECTION HISTORY

PL 1995, c. 631, §3 (NEW). PL 1995, c. 631, §5 (AFF). PL 1997, c. 169, §1 (AMD). PL 1999, c. 409, §1 (RP).

§7104-B. Access to information services

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

A. "Qualified library" means a public library as defined in Title 27, section 110, subsection 10; a research center as defined in Title 27, section 110, subsection 12; or a library that provides free public access to all advanced telecommunications services available at that library and whose collection serves as a statewide resource, if the commission determines, in consultation with the Maine Library Commission, that including that library as a qualified library is in the public interest. [PL 1999, c. 409, §2 (NEW).]

A-1. "North American Numbering Plan Administrator" has the same meaning as in section 7104, subsection 1-A, paragraph A. [PL 2023, c. 144, §3 (NEW).]

A-2. "Number placed in service" has the same meaning as in section 7104, subsection 1-A, paragraph B. [PL 2023, c. 144, §3 (NEW).]

A-3. "Numbering plan area" has the same meaning as in section 7104, subsection 1-A, paragraph C. [PL 2023, c. 144, §3 (NEW).]

B. "Qualified school" means a public school as defined in Title 20-A, section 1, subsection 24; a private school approved under Title 20-A, section 2901 or 2951; or a school that provides free public access to all advanced telecommunications services available at that school, if the commission determines, in consultation with the Department of Education, that including that school as a qualified school is in the public interest. [PL 1999, c. 409, §2 (NEW).]

C. [PL 2011, c. 623, Pt. B, §18 (RP).]

D. "Voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network and includes a provider of interconnected voice over Internet protocol service required to register with the commission pursuant to section 7110, subsection 2. [PL 2023, c. 144, §3 (AMD).]

[PL 2023, c. 144, §3 (AMD).]

2. Authority. Pursuant to the authority granted in section 7104 and in order to carry out the policy goals established by section 7101, subsections 1, 2 and 4, the commission shall establish a telecommunications education access fund, referred to in this section as "the fund," and require voice network service providers using numbers placed in service for the State's numbering plan area from the North American Numbering Plan Administrator or its successor to contribute to the fund. A voice network service provider is not required to contribute to the fund for telephone numbers that are acquired by the provider but are not placed in service. The fund must be available, with any accumulated interest, to qualified libraries, qualified schools and the Raymond H. Fogler Library at the University of Maine to assist in paying the costs of acquiring and using advanced telecommunications technologies.

The commission may investigate a voice network service provider to ensure compliance with this section.

[PL 2025, c. 110, §11 (AMD).]

2-A. Determination of amount of prepaid wireless telecommunications service fee. The commission shall determine by rule the amount of the fee on prepaid wireless telecommunications service that is required to be contributed to the fund. The commission shall limit the fee to no more than 21¢ per retail transaction. The fee must be rounded to the nearest penny. The fee may not be adjusted by the commission more frequently than once every 24 months. The collection of the fee is governed by section 7104-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 244, §2 (AMD).]

3. Limitations; imposition. In carrying out the authority granted by subsection 2, the commission shall:

A. With respect to the contributions for the fund required from voice network service providers other than prepaid wireless telecommunications service providers, limit the amount contributed to no more than 21¢ per month per line or number, assessed as a monthly surcharge, to be levied on:

(1) Residential and business telephone exchange lines, including private branch exchange lines and Centrex lines;

(2) Interconnected voice over Internet protocol service; and

(3) Providers of mobile telecommunications services that are not providers of prepaid wireless telecommunications service.

The surcharge established in this paragraph may not be levied on more than 25 lines or numbers per customer billing account; [PL 2017, c. 244, §3 (AMD).]

B. Ensure that the funds are collected in a competitively neutral manner; [PL 1999, c. 409, §2 (NEW).]

C. Integrate the collection of the surcharge with any state universal service fund developed by the commission; [PL 2017, c. 422, §5 (AMD); PL 2017, c. 422, §12 (AFF).]

D. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on customer bills of the surcharge imposed under this section; and [PL 2017, c. 422, §5 (AMD); PL 2017, c. 422, §12 (AFF).]

E. [PL 2011, c. 623, Pt. B, §23 (RP).]

F. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers for optional services that are not supported by federal universal service support funds. [PL 2017, c. 422, §6 (NEW); PL 2017, c. 422, §12 (AFF).]

[PL 2017, c. 422, §§5, 6 (AMD); PL 2017, c. 422, §12 (AFF).]

4. Use of fund. The fund must be used to provide discounts to qualified libraries, qualified schools and the Raymond H. Fogler Library at the University of Maine for the following:

A. Telecommunications services; [PL 1999, c. 409, §2 (NEW).]

B. Internet access, including mobile Internet access through a portable wireless access point, or hotspot, that provides Internet access over a cellular network; [PL 2019, c. 52, §1 (AMD).]

C. Internal connections; [PL 1999, c. 409, §2 (NEW).]

D. Computers; [PL 2001, c. 522, §2 (AMD).]

E. Training; and [PL 2001, c. 522, §2 (AMD).]

F. Content. [PL 2001, c. 522, §2 (NEW).]

[PL 2019, c. 52, §1 (AMD).]

4-A. State Librarian; Commissioner of Education. The State Librarian or the Commissioner of Education may enter into contracts or order services on behalf of qualified schools and qualified libraries in connection with the fund and may take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

[PL 2009, c. 274, §18 (NEW).]

5. Guidelines for funding. The commission shall allocate money from the fund using the following guidelines:

A. To ensure a basic level of connectivity for all of the qualified schools and qualified libraries in the State; [PL 1999, c. 409, §2 (NEW).]

B. To ensure that all qualified schools, qualified libraries and the Raymond H. Fogler Library at the University of Maine are capable of using the advanced technology equipment obtained through the fund; [PL 2001, c. 522, §2 (AMD).]

C. To ensure that more technologically sophisticated equipment is available to students in grades 9 to 12 and in larger qualified libraries in the State; [PL 1999, c. 409, §2 (NEW).]

D. To provide for necessary equipment to use the services obtained through the fund; [PL 1999, c. 409, §2 (NEW).]

E. To provide for internal connections necessary to use the services obtained through the fund; [PL 1999, c. 409, §2 (NEW).]

F. To provide training to teachers so that they may assist and educate their students in the use of the advanced technology equipment; [PL 2001, c. 522, §2 (AMD).]

G. To provide for the establishment of computer technology training programs in schools to provide training to students in areas such as, but not limited to, electronic commerce, Internet proficiency and World Wide Web-enabled systems; [PL 2019, c. 52, §2 (AMD).]

H. To provide for electronic database content to be used for the purposes of accessing information by schools and libraries; and [PL 2019, c. 52, §3 (AMD).]

I. To provide, within existing resources, support for qualified libraries in rural areas of the State with greatest need, as determined in consultation with the State Librarian, the Commissioner of Education and the ConnectMaine Authority, to offer portable wireless access points, or hotspots, for mobile Internet access. [PL 2019, c. 625, §5 (AMD).]

[PL 2019, c. 625, §5 (AMD).]

6. Coordination with federal funds. Except as provided in paragraph A, qualified schools and qualified libraries shall apply for any federal discounts available pursuant to the federal Telecommunications Act of 1996. The level of discount, pursuant to subsection 4, is determined by the commission.

A. A qualified library is not required to apply for a federal discount pursuant to the federal Telecommunications Act of 1996 if the library determines that satisfying conditions for receiving that discount would substantially compromise the library's standards or mission. If the qualified library does not receive a federal discount as a result of a determination made in accordance with this paragraph, the commission shall establish an enhanced level of discount pursuant to subsection 4 to ensure the library is not substantially disadvantaged by that determination. The commission shall establish a level of discount that mitigates, to the maximum extent the commission determines appropriate, the financial impact on the library resulting from its not receiving the federal discount. [PL 2003, c. 673, Pt. IIII, §1 (NEW).]

[PL 2003, c. 673, Pt. IIII, §1 (AMD).]

7. Coordination with existing facilities. Any existing facilities developed to provide services to qualified schools, qualified libraries and the Raymond H. Fogler Library at the University of Maine, as directed by the commission under this section, must continue to provide services to qualified schools, qualified libraries and the Raymond H. Fogler Library at the University of Maine at rates that reflect the incremental costs to use those facilities.

[PL 2001, c. 522, §2 (AMD).]

8. Review by commission.

[PL 2011, c. 623, Pt. B, §24 (RP).]

SECTION HISTORY

PL 1999, c. 409, §2 (NEW). PL 2001, c. 522, §§1,2 (AMD). PL 2003, c. 673, §IIII1 (AMD). PL 2005, c. 251, §1 (AMD). PL 2009, c. 274, §18 (AMD). PL 2011, c. 54, §1 (AMD). PL 2011, c. 600, §6 (AMD). PL 2011, c. 600, §10 (AFF). PL 2011, c. 623, Pt. B, §§18-24 (AMD). PL 2017, c. 244, §§1-3 (AMD). PL 2017, c. 422, §§5, 6 (AMD). PL 2017, c. 422, §12 (AFF). PL 2019, c. 52, §§1-4 (AMD). PL 2019, c. 625, §5 (AMD). PL 2023, c. 144, §§3, 4 (AMD). PL 2025, c. 110, §11 (AMD).

§7104-C. Collection of fees related to prepaid wireless telecommunications services

1. Prepaid wireless fee. This section governs the fees and surcharges related to prepaid wireless telecommunications services, referred to in this section as "the prepaid wireless fee." The amount of the prepaid wireless fee is the sum of the following fees:

A. The amount of the fee that is required to be contributed to the state universal service fund as determined pursuant to section 7104, subsection 3-A; [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

B. The amount of the fee that is required to be contributed to the telecommunications education access fund as determined pursuant to section 7104-B, subsection 2-A; and [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

C. The statewide prepaid wireless telecommunications service 9-1-1 surcharge levied on prepaid wireless telecommunications service consumers pursuant to Title 25, section 2927-A, subsection 3. [PL 2025, c. 167, §45 (AMD).]

[PL 2025, c. 167, §45 (AMD).]

2. Collection of fees and surcharges related to prepaid wireless telecommunications services. The collection of the prepaid wireless fee is governed by this subsection.

A. A seller of prepaid wireless telecommunications services shall collect the prepaid wireless fee from the prepaid wireless consumer for each retail transaction occurring in this State. The amount of the prepaid wireless fee must be separately stated on an invoice, receipt or similar document that is provided to the prepaid wireless consumer by the seller, when practicable. In circumstances in which disclosure of the prepaid wireless fee on an invoice, receipt or similar document is not practicable, the seller must make the information regarding the amount of the prepaid wireless fee available to the prepaid wireless consumer in another manner. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

B. For purposes of paragraph A, a retail transaction that is effected in person by a prepaid wireless consumer at the business location of the seller is treated as occurring in this State if that business location is in this State. Any other retail transaction must be treated as occurring in this State if the retail transaction is treated as occurring in this State for the purposes of Title 36, section 1752, subsection 8-B. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

C. The prepaid wireless fee is the liability of the prepaid wireless consumer and not of the seller or of any prepaid wireless telecommunications service provider, except that the seller is liable to remit all prepaid wireless fees that the seller collects from prepaid wireless consumers as provided in this subsection, including all such charges that the seller is deemed to collect when the amount of the prepaid wireless fee has not been separately stated on an invoice, receipt or similar document provided to the prepaid wireless consumer by the seller. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

D. The amount of the prepaid wireless fee that is collected by a seller from a prepaid wireless consumer, whether or not such amount is separately stated on an invoice, receipt or similar document provided to the prepaid wireless consumer by the seller, may not be included in the base for measuring any tax, fee, surcharge or other charge that is imposed by this State, any political subdivision of this State or any intergovernmental agency. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

E. If the prepaid wireless fee is amended by rule or law, the new amount of the prepaid wireless fee must take effect at the beginning of the next calendar quarter that is at least 60 days after adoption or enactment of the change. The commission and the State Tax Assessor shall provide not less than 30 days' advance notice of the adoption or enactment of any change to the prepaid wireless fee amount on both the commission's publicly accessible website and the State Tax Assessor's publicly accessible website. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

F. Prepaid wireless fees collected by sellers must be remitted to the State Tax Assessor. Prepaid wireless fees must be remitted at the times and in the manner provided for the remittance of sales tax under Title 36, section 1951-A and rules adopted pursuant to that section for the remittance of sales tax on an other than monthly basis. The State Tax Assessor shall establish registration and payment procedures that substantially coincide with registration and payment procedures as provided in Title 36, section 1754-B and related provisions. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

G. A seller who is not a prepaid wireless telecommunications service provider may deduct and retain 3% of the prepaid wireless fee that is collected by the seller from a prepaid wireless consumer. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

H. The State Tax Assessor shall establish procedures by which a seller may document that a sale is not a retail transaction. Procedures established under this paragraph must substantially coincide with the procedures for documenting a sale as a retail transaction as provided in Title 36, section 1754-B. [PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

I. The State Tax Assessor shall remit the total prepaid wireless fees collected pursuant to this subsection to the commission. The commission shall deposit the total fees into the prepaid wireless fee fund established in subsection 3 and shall ensure that, within 30 days of receipt:

(1) The portion of the remitted prepaid wireless fees attributable to the 9-1-1 surcharge imposed by Title 25, section 2927-A, subsection 3 is deposited in a separate account;

(2) The portion of the remitted prepaid wireless fees attributable to the fee imposed under section 7104, subsection 3-A is deposited in the state universal service fund established pursuant to section 7104, subsection 3; and

(3) The portion of the remitted prepaid wireless fees attributable to the fee imposed under section 7104-B, subsection 2-A is deposited in the telecommunications education access fund established under section 7104-B, subsection 2. [PL 2025, c. 167, §46 (AMD).]

[PL 2025, c. 167, §46 (AMD).]

3. Fund established. The prepaid wireless fee fund is established within the commission for the purposes of collecting and distributing funds pursuant to subsection 2, paragraph I.
[PL 2011, c. 600, §7 (NEW); PL 2011, c. 600, §10 (AFF).]

SECTION HISTORY

PL 2011, c. 600, §7 (NEW). PL 2011, c. 600, §10 (AFF). PL 2017, c. 475, Pt. A, §59 (AMD). PL 2025, c. 167, §§45, 46 (AMD).

§7105. Caller-ID

Caller-ID services provided in this State are subject to the following. [PL 1991, c. 654, §4 (NEW); PL 1991, c. 654, §5 (AFF).]

1. Per-call blocking. At least 2 months prior to initiating any caller-ID service, and throughout the period that caller-ID service is offered to subscribers in this State, telephone utilities must advertise and immediately upon initiating such service must offer to all subscribers free per-call blocking.
[PL 2011, c. 623, Pt. B, §25 (AMD).]

2. Per-line blocking. A telephone utility must provide per-line blocking to individuals, agencies and groups that submit a written request to the telephone utility asserting a specific need for per-line blocking for reasons of health and safety. Telephone utilities may not charge a subscriber a fee for the first per-line blocking or unblocking of the subscriber's line. Except as otherwise authorized by law or to confirm that a subscriber has made a valid request, telephone utilities may not disclose information concerning the request for per-line blocking submitted by an individual, agency or group.
[PL 2011, c. 623, Pt. B, §25 (AMD).]

3. Penalty.

[PL 2003, c. 505, §39 (RP).]

SECTION HISTORY

PL 1991, c. 654, §4 (NEW). PL 1991, c. 654, §5 (AFF). PL 2003, c. 505, §39 (AMD). PL 2011, c. 623, Pt. B, §25 (AMD).

§7105-A. Automated telephone call reduction services

Beginning January 1, 2022, a telephone utility that offers any service to subscribers in the State designed to reduce the number of calls received by a subscriber that are made using an automated telephone calling device or an artificial or prerecorded voice shall inform each subscriber as to the nature and cost of any such service offered and describe how the subscriber may elect to enroll in or take advantage of such service. Such information must be provided to a subscriber at the time the subscriber initiates service with the telephone utility and must be available on the telephone utility's website. A telephone utility shall offer any such service at a reasonably affordable cost to all subscribers in the State. [PL 2021, c. 109, §1 (NEW).]

For the purposes of this section, "automated telephone calling device" has the same meaning as in Title 10, section 1498, subsection 1, paragraph A. [PL 2021, c. 109, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 109, §1 (NEW).

§7106. Unauthorized change of carrier

1. Unauthorized change of carrier. This subsection governs the initiation of a change in a customer's local or intrastate interexchange carrier that is not authorized by that consumer.

A. Notwithstanding Title 32, chapter 69, subchapter 5 or Title 32, section 14716, and except as otherwise provided by the commission by rule adopted pursuant to subsection 3, a local or intrastate interexchange carrier may not initiate the change of a customer's local or intrastate carrier unless the change is expressly authorized by the customer as verified by one of the following methods:

(1) Written or electronically signed authorization from the customer;

(2) Toll-free electronic authorization placed from the telephone number that is the subject of the change order; or

(3) Oral authorization of the customer obtained by an independent 3rd party. [PL 2007, c. 638, §2 (AMD).]

B. When a customer's service is changed to a new local or intrastate interexchange carrier, the new local or intrastate interexchange carrier shall maintain for 24 months a record of nonpublic customer-specific information that establishes that the customer authorized the change. [PL 2003, c. 530, §2 (AMD).]

C. [PL 2003, c. 530, §3 (RP).]

D. A local or intrastate interexchange carrier that has initiated an unauthorized customer change shall:

(1) Pay all usual and customary charges associated with returning the customer to the customer's original local or intrastate interexchange carrier;

(2) Return to the customer any amount paid to that carrier by the customer or on the customer's behalf; and

(3) Pay any access charges and related charges to access providers or to an underlying carrier when applicable. [PL 2011, c. 623, Pt. B, §26 (AMD).]

E. [PL 2011, c. 623, Pt. B, §26 (RP).]
[PL 2011, c. 623, Pt. B, §26 (AMD).]

2. Penalty. A local or intrastate interexchange carrier that violates this section is subject to penalty in accordance with this subsection.

A. The commission may impose an administrative penalty against any person who violates this section or any rule or order adopted pursuant to this section. In determining whether to impose a penalty, the commission may consider whether the violation was intentional. The penalty for a violation may be in an amount not to exceed $7,200 for each day the violation continues, up to a maximum of $57,000 for a first offense and a maximum of $157,000 for subsequent offenses. The amount of the penalty must be based on:

(1) The severity of the violation, including the intent of the violator, the nature, circumstances, extent and gravity of any prohibited acts;

(2) The history of previous violations;

(3) The amount necessary to deter future violations;

(4) Good faith attempts to comply after notification of a violation; and

(5) Such other matters as justice requires. [PL 2021, c. 318, §20 (AMD).]

B. [PL 2011, c. 623, Pt. B, §26 (RP).]

C. [PL 2003, c. 505, §41 (RP).]

D. The commission may order a telephone utility to withhold funds collected on behalf of a carrier that is subject to an administrative penalty proceeding conducted pursuant to this section if it finds that it is more likely than not that penalties will be imposed or customer refunds will be ordered that are equal to or greater than the amount ordered withheld. The commission shall provide the carrier notice and an opportunity to be heard prior to ordering funds to be withheld. If the commission finds that there is a clear danger that, if notified in advance, the carrier will conceal or otherwise make funds unavailable to satisfy penalties or customer refunds prior to providing notice and an opportunity to be heard, it may issue an order to the public utility to withhold the funds without providing notice or an opportunity to be heard. To issue such an order, the commission must also make the first finding required by this paragraph. The commission shall, without delay, provide a copy of the order to the carrier along with written notice that the carrier, on request, will be provided with an opportunity to contest the finding that it is more likely than not that penalties will be imposed or customer refunds will be ordered that are equal to or greater than the amount ordered withheld. [PL 2003, c. 505, §42 (NEW).]

[PL 2021, c. 318, §20 (AMD).]

3. Rules. The commission shall adopt nondiscriminatory and competitively neutral rules to further implement this section.

A. [PL 2011, c. 623, Pt. B, §26 (RP).]

B. [PL 2011, c. 623, Pt. B, §26 (RP).]

C. [PL 2011, c. 623, Pt. B, §26 (RP).]

D. [PL 2011, c. 623, Pt. B, §26 (RP).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 623, Pt. B, §26 (AMD).]

4. Enforcement. The commission through its own counsel or through the Attorney General may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the commission pursuant to this section. The court may issue such orders, preliminary or final, as it considers proper under the facts established before the court.

[PL 1997, c. 702, §1 (NEW).]

5. Notice to the Attorney General. If the commission has reason to believe that any carrier has violated any provision of the law for which criminal prosecution is provided and would be in order or any law regarding fraud or consumer protection, the commission shall notify the Attorney General. The Attorney General shall promptly institute any actions or proceedings the Attorney General considers appropriate.
[PL 2011, c. 623, Pt. B, §26 (AMD).]

6. Customer education. The Public Advocate shall periodically inform telephone customers in the State of the protections and rights provided by this section.
[PL 2007, c. 638, §3 (NEW).]

SECTION HISTORY

PL 1997, c. 702, §1 (NEW). PL 2001, c. 71, §2 (AMD). PL 2003, c. 505, §§40-42 (AMD). PL 2003, c. 530, §§1-4 (AMD). PL 2007, c. 638, §§2, 3 (AMD). PL 2011, c. 623, Pt. B, §26 (AMD). PL 2021, c. 318, §20 (AMD).

§7107. Unauthorized services

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

A. "Billing agent" means a telephone utility that includes in a bill it sends to a customer a charge for a product or service offered by a service provider. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

B. "Billing aggregator" means any person, other than a service provider, who forwards the charge for a product or service offered by a service provider to a billing agent. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

C. "Service provider" means any person, other than the billing agent, that offers a product or service to a customer, the charge for which appears on the bill of a billing agent. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

D. "Unauthorized service" means the provision of any service or product by a service provider from whom a billing agent has not obtained sufficient evidence of customer authorization and for which a charge appears on the customer's telephone bill. For the purposes of this section, a charge for a collect call is deemed to be authorized by the customer receiving the call. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]
[PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

2. Registration requirements. The following acts are prohibited.

A. A service provider may not offer a product or service to a customer, the charge for which appears on the bill of a billing agent, unless the service provider is properly registered with the commission. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

B. A billing aggregator may not forward to a billing agent charges for a service or product offered by a service provider unless the billing aggregator is properly registered with the commission. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

C. A billing aggregator may not forward charges to a billing agent from a service provider who is required to be registered under this subsection and who is not properly registered under this subsection. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

D. A billing agent may not knowingly bill on behalf of a service provider who is required to be registered under this subsection and who is not properly registered under this subsection. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

A telephone utility that is authorized by the commission or by law to provide telephone services in this State is not required to be registered under this subsection.

The commission by rule may establish the manner and form of the registration. A registration properly filed with the commission takes effect 14 days after the filing date unless the commission objects to the registration and provides notice of its objection to the registrant within the 14 days. If the commission objects to the registration, the registration does not become effective unless expressly approved by the commission. The commission shall offer a person whose registration has been rejected an opportunity for a hearing. A registration, once effective, remains effective until revoked by the commission or surrendered by the service provider or billing aggregator.
[PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

3. Revocation of registration; notice.

[PL 2003, c. 505, §43 (RP).]

3-A. Denial or revocation of registration; notice. The commission may by order, after notice and opportunity for hearing, deny, suspend or revoke an application for registration as, or the registration of, a service provider or billing aggregator if the commission finds that the order is in the public interest and that the applicant or registrant, or a principal of the applicant or registrant:

A. Has knowingly misrepresented or omitted a material fact on the application for registration as a service provider or billing aggregator or has filed an incomplete application and does not take reasonable steps to provide the missing information; [PL 2003, c. 505, §44 (NEW).]

B. Has, in the case of a service provider, knowingly or repeatedly billed one or more customers for unauthorized service or, in the case of a billing aggregator, knowingly or repeatedly forwarded the charge for a service or product to a billing agent on behalf of a service provider who was required to be registered with the commission under subsection 2 and was not properly registered; [PL 2003, c. 505, §44 (NEW).]

C. Has engaged in any other false or deceptive billing practices prohibited by commission rule; [PL 2003, c. 505, §44 (NEW).]

D. Has acted as a service provider or billing aggregator in the State without being licensed to do so; [PL 2003, c. 505, §44 (NEW).]

E. Is then permanently or temporarily enjoined by any court of competent jurisdiction from violating any law governing the conduct of billing aggregators or service providers or from engaging in, or continuing, any conduct or practice indicating a lack of fitness to engage in the business of a billing aggregator or service provider; [PL 2003, c. 505, §44 (NEW).]

F. Has, within the last 10 years, pleaded guilty or nolo contendere to, or been convicted of, any crime indicating a lack of fitness to engage in the business of a billing aggregator or service provider; [PL 2003, c. 505, §44 (NEW).]

G. Is the subject of any of the following orders currently effective that were issued within the last 5 years:

(1) An order by a state or federal agency, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license or registration as a service provider or billing aggregator, or the substantial equivalent of those terms, as defined in this section;

(2) A cease and desist order issued by any state or federal agency with general authority to enforce laws prohibiting unfair or deceptive acts or practices in a trade or business or with specific authority to regulate billing aggregators or service providers; or

(3) An order entered by a court of competent jurisdiction or entered after notice and an opportunity for hearing by any state or federal occupational licensing agency denying,

suspending, revoking or restricting the person's occupational license as a result of allegations of misconduct. This subparagraph also applies when the denial, suspension, revocation or restriction of the license is pursuant to a consent agreement between the person and the licensing agency, whether or not the agency also issued an order; or [PL 2003, c. 505, §44 (NEW).]

H. Has, within the last 5 years, entered into a consent agreement with a state or federal enforcement or regulatory agency in which the person agreed to discontinue engaging in one or more practices alleged by the agency to have been an unfair or deceptive act or practice. [PL 2003, c. 505, §44 (NEW).]

[PL 2003, c. 505, §44 (NEW).]

4. Procedure upon complaint. If a customer of a billing agent notifies the billing agent that a charge for an unauthorized service has been included in the customer's telephone bill, the billing agent shall:

A. Immediately suspend collection efforts on that portion of the customer's bill; and [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

B. Either cease collection efforts entirely with regard to the disputed charge or request evidence from the service provider that the customer authorized the service for which payment is sought. If the billing agent ceases collection efforts or sufficient evidence of customer authorization is not presented to the billing agent within a reasonable time, as defined by the commission by rule, the billing agent shall:

(1) Immediately remove any charges associated with the unauthorized service from the customer's bill; and

(2) Refund to the customer any amounts paid for the unauthorized service that were billed by the billing agent during the 6 months prior to the customer's complaint or during any longer period in which the customer can prove the customer was billed by the billing agent for unauthorized services.

If sufficient evidence of customer authorization is provided to the billing agent, the billing agent may restore the charges on the customer's bill and reinstitute collection efforts. The customer or the service provider may appeal the billing agent's determination to the commission. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

[PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

5. Enforcement authority. In addition to any authority the commission may have pursuant to other law, the commission may enforce this section in accordance with this subsection.

A. In an adjudicatory proceeding, the commission may impose an administrative penalty upon the following entities for the following violations:

(1) A service provider who provides or charges for an unauthorized service;

(2) A service provider or billing aggregator who is required to be registered under subsection 2 and who is not properly registered pursuant to that subsection;

(3) A billing agent who knowingly bills on behalf of a service provider who is required to be registered under subsection 2 and who is not properly registered pursuant to that subsection at the time the billing agent's bill is generated; and

(4) A billing agent that fails to comply with any of the requirements of subsection 4. [PL 1999, c. 59, §1 (NEW); PL 1999, c. 59, §3 (AFF).]

B. The amount of any administrative penalty imposed under paragraph A may not exceed $1,400 per violator for violations arising out of the same incident or complaint and must be based on:

(1) The severity of the violation, including the intent of the violator, the nature, circumstances, extent and gravity of any prohibited acts;

(2) The history of previous violations;

(3) The amount necessary to deter future violations;

(4) Good faith attempts to comply after notification of a violation; and

(5) Such other matters as justice requires. [PL 2021, c. 318, §21 (AMD).]
[PL 2021, c. 318, §21 (AMD).]

6. Rulemaking. The commission shall adopt rules to implement this section. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

A. [PL 2011, c. 623, Pt. B, §27 (RP).]

B. [PL 2011, c. 623, Pt. B, §27 (RP).]

C. [PL 2011, c. 623, Pt. B, §27 (RP).]

The commission may not adopt any rule that requires any 3rd-party verification of customer authorization of the provision of any service or product by a service provider that is an affiliate of the billing agent, as defined by the commission by rule.
[PL 2011, c. 623, Pt. B, §27 (AMD).]

SECTION HISTORY

PL 1999, c. 59, §1 (NEW). PL 1999, c. 59, §3 (AFF). PL 2001, c. 71, §3 (AMD). RR 2003, c. 2, §113 (COR). PL 2003, c. 505, §§43-45 (AMD). PL 2011, c. 623, Pt. B, §27 (AMD). PL 2021, c. 318, §21 (AMD).

§7108. Use of 2-1-1 number; designation of sole entity entitled to use

The commission may designate an appropriate entity to be the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission to be used for access to information and referral services. A designation may not extend for more than 3 years but may be renewed by the commission, after review, for successive periods of up to 3 years each. There is no limit on the number of times the commission may renew a designation of the same entity pursuant to this section. Before making a designation or renewing a designation, the commission shall determine that the designation or renewal is in the public interest. The commission may consult with appropriate state and local agencies and other public or private entities before granting a designation or renewing a designation. The commission may suspend, revoke, terminate or modify a designation if the commission determines the public interest is no longer served by the designation or in response to actions by the Federal Communications Commission that affect the availability or assigned use of the 2-1-1 number. [PL 2005, c. 51, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 51, §1 (NEW).

§7109. Unlawful telephone charges

1. Unauthorized and duplicative line-item charges prohibited. A telephone utility may not charge a customer for, or include as a separate line-item charge on the customer's bill, any charge unless that charge represents:

A. An actual service or fee authorized by the customer; or [PL 2009, c. 36, §2 (NEW).]

B. An actual tax, fee or charge authorized or required by federal or state law or by a federal or state agency rule or order. [PL 2009, c. 36, §2 (NEW).]

A telephone utility may not include in a line-item charge on a customer's bill any element of the telephone utility's costs that is charged for elsewhere on the customer's bill.
[PL 2009, c. 36, §2 (NEW).]

2. Description of line-item charges required. A telephone utility shall provide on the customer's bill a brief, clear, nonmisleading, plain language description of each line-item charge included on the bill and the authorized service, tax or fee represented by that line-item charge.
[PL 2009, c. 36, §2 (NEW).]

3. Enforcement. In addition to any authority the commission may have pursuant to other law, the commission may impose an administrative penalty upon a telephone utility for violation of this section. The amount of any administrative penalty imposed under this subsection may not exceed $1,000 per violator for violations arising out of the same incident or complaint and must be based on:

A. The severity of the violation, including the intent of the violator and the nature, circumstances, extent and gravity of any prohibited acts; [PL 2009, c. 36, §2 (NEW).]

B. The history of previous violations by the violator; [PL 2009, c. 36, §2 (NEW).]

C. The amount necessary to deter future violations; [PL 2009, c. 36, §2 (NEW).]

D. Good faith attempts to comply after notification of a violation; and [PL 2009, c. 36, §2 (NEW).]

E. Such other matters as justice requires. [PL 2009, c. 36, §2 (NEW).]

The commission shall provide a simple process for a customer of a telephone utility to report to the commission a line-item charge that the customer believes may violate this section.

This subsection is not intended to limit any enforcement action or penalty pursued by the Attorney General for violations of Title 5, chapter 10 where applicable.
[PL 2009, c. 36, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 36, §2 (NEW).

§7110. Registration requirements of interconnected voice over Internet protocol service provider

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

A. "North American Numbering Plan Administrator" has the same meaning as in section 7104, subsection 1-A, paragraph A. [PL 2023, c. 144, §5 (NEW).]

B. "Numbering resources" has the same meaning as in section 7104, subsection 1-A, paragraph D. [PL 2023, c. 144, §5 (NEW).]
[PL 2023, c. 144, §5 (NEW).]

2. Registration. A provider of interconnected voice over Internet protocol service shall register with the commission in a manner prescribed by the commission prior to requesting numbering resources in the State. The registration must include:

A. Contact information for a representative of the provider responsible for regulatory and numbering matters; and [PL 2023, c. 144, §5 (NEW).]

B. An acknowledgment that the provider of interconnected voice over Internet protocol service must file a notice with the commission at least 30 days before requesting numbers from the North American Numbering Plan Administrator or its successor. [PL 2023, c. 144, §5 (NEW).]

When there is any change in the contact information required by paragraph A, a provider of interconnected voice over Internet protocol service shall update its registration information.

[PL 2023, c. 144, §5 (NEW).]

3. Information requests. A provider of interconnected voice over Internet protocol service registered under subsection 2 shall, upon the commission's request, provide the commission with detailed information relating to the distribution of numbering resources in the State, unless the interconnected voice over Internet protocol service provider is prohibited from doing so by state or federal privacy laws, rules or regulations.
[PL 2023, c. 144, §5 (NEW).]

4. Authority. The commission may exercise any authority provided to the states by 47 Code of Federal Regulations, Part 52 in effect on December 16, 2022 in order to maximize numbering resources.
[PL 2023, c. 144, §5 (NEW).]

5. Rules. The commission may adopt rules to implement the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 144, §5 (NEW).]

6. Enforcement. Failure of a provider of interconnected voice over Internet protocol service to comply with this section or any applicable commission rule is subject to administrative penalties under section 1508-A.
[PL 2023, c. 144, §5 (NEW).]

SECTION HISTORY

PL 2023, c. 144, §5 (NEW).

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