

**§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 \$85,000 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 \$85,000 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 2019, c. 343, Pt. UUU, §4 (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).]

#### 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).

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