

**Maine Revised Statutes**  
**Title 35-A: PUBLIC UTILITIES**  
**Chapter 71: GENERAL PROVISIONS**

**§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. [1999, c. 409, §2 (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. [1999, c. 409, §2 (NEW).]

C. [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. [2011, c. 623, Pt. B, §19 (NEW).]

[2011, c. 623, Pt. B, §§18, 19 (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 all voice network service providers providing service in the State and any other entities identified by the commission to contribute to the fund. 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.

[2011, c. 623, Pt. B, §20 (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 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 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.

[2011, c. 600, §6 (NEW); 2011, c. 600, §10 (AFF).]

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

A. Limit the amount collected to no more than 0.7% of retail charges for 2-way voice communications services as determined by the commission, excluding interstate tolls or interstate private line services; [2011, c. 623, Pt. B, §21 (AMD).]

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

C. Integrate the collection of the charge with any state universal service fund developed by the commission; and [2011, c. 623, Pt. B, §22 (AMD).]

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 any charge imposed under this section. [2011, c. 623, Pt. B, §22 (AMD).]

E. [2011, c. 623, Pt. B, §23 (RP).]

[ 2011, c. 623, Pt. B, §§21-23 (AMD) .]

**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; [1999, c. 409, §2 (NEW).]

B. Internet access; [1999, c. 409, §2 (NEW).]

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

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

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

F. Content. [2001, c. 522, §2 (NEW).]

[ 2001, c. 522, §2 (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.

[ 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; [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; [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; [1999, c. 409, §2 (NEW).]

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

E. To provide for internal connections necessary to use the services obtained through the fund; [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; [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; and [2001, c. 522, §2 (AMD).]

H. To provide for electronic database content to be used for the purposes of accessing information by schools and libraries. [2001, c. 522, §2 (NEW).]

[2011, c. 54, §1 (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. [2003, c. 673, Pt. IIII, §1 (NEW) .]

[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.

[2001, c. 522, §2 (AMD) .]

#### **8. Review by commission.**

[2011, c. 623, Pt. B, §24 (RP) .]

#### SECTION HISTORY

1999, c. 409, §2 (NEW). 2001, c. 522, §§1,2 (AMD). 2003, c. 673, §IIII1 (AMD). 2005, c. 251, §1 (AMD). 2009, c. 274, §18 (AMD). 2011, c. 54, §1 (AMD). 2011, c. 600, §6 (AMD). 2011, c. 600, §10 (AFF). 2011, c. 623, Pt. B, §§18-24 (AMD).

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