

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1421, L.D. 1973, Bill, "An Act to Protect Consumer Privacy by Regulating Automated Telephone Solicitations"

Amend the bill in that part designated "~~§1496.~~" by striking out all of subsection 1 and inserting in its place the following:

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

A. "Automated telephone calling device" means any system or equipment that selects, dials or calls telephone numbers and plays recorded messages.

B. "Solicitation calls" means calls the purpose of which is any of the following:

(1) To offer real property, goods or services for sale or rent;

(2) To convey information on real property, goods or services to solicit sales or purchase;

(3) To promote or solicit charitable contributions;

(4) To gather data or statistics or solicit information; or

(5) To promote or otherwise use in connection with a political campaign.'

Further amend the bill in that part designated "~~§1496.~~" in subsection 2 in the 3rd line (page 1, line 32 in L.D.) by striking out the following: "unsolicited" and inserting in its place the following: 'solicitation'

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2 Further amend the bill in that part designated "~~§1496.~~" in
subsection 2 in paragraph C in the first line (page 1, line 41 in
4 L.D.) by striking out the following: "~~or~~" and inserting in its
place the following: '2' and by inserting after the following:
6 "distance" the following: 'or direct inward dial'

8 Further amend the bill in that part designated "~~§1496.~~" in
subsection 3 in the 3rd line (page 1, line 46 in L.D.) by
10 striking out the following: "~~unsolicited~~" and inserting in its
place the following: 'solicitation' and in the 4th line (page 1,
12 line 47 in L.D.) by striking out the following: "noon and 7
p.m." and inserting in its place the following: '9 a.m. and 5
14 p.m.'

16 Further amend the bill in that part designated "~~§1496.~~" in
subsection 3 by striking out all of the last sentence (page 1,
18 lines 48 to 50 in L.D.) and inserting in its place the
following: 'In addition, the person using the device to place
20 the call shall ensure that the device disconnects no more than 5
seconds following the disconnection of the telephone number
22 called.'

24 Further amend the bill in that part designated "~~§1496.~~" by
striking out all of subsection 4 and inserting in its place the
26 following:

28 '4. Caller identification. Persons making calls restricted
under the provision of subsection 3 shall, within the first
30 minute of the call, identify the name, address and telephone
number of the organization for whom the call is being made.'

32 Further amend the bill in that part designated "~~§1496.~~" in
subsection 6 in paragraph A in the last line (page 2, line 21 in
34 L.D.) by striking out the following: "~~or~~" and in paragraph B in
the last line (page 2, line 24 in L.D.) by striking out the
36 following: "~~directed.~~" and inserting in its place the
following: 'directed; or'

38 Further amend the bill in that part designated "~~§1496.~~" in
40 subsection 6 by inserting after paragraph B the following:

42 'C. Carry out the duties of any state or local governmental
44 unit.'

46 Further amend the bill in that part designated "~~§1496.~~" by
inserting after subsection 6 the following:

48 '7. Registration. Any person, organization or corporation
wishing to use an automated telephone calling device for making
50 solicitation phone calls shall first register with the Secretary
of State on forms designated by the Secretary of State which
52 include, but are not limited to, the following information:

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2 A. The name, address and telephone number of the
4 registrant, any organization or corporation employed by the
 registrant or employing the registrant in conjunction with
 the calling program;

6 B. Whether calls are to be made from within the State; and

8 C. If calls are to be made from within the State:

10 (1) The name, address and telephone number of the
12 local manager or representative;

14 (2) The address and telephone number of the location
16 from which the calls are made;

18 (3) Whether the equipment to be used is a type
 approved by the Federal Communications Commission;

20 (4) The number of lines used;

22 (5) The projected duration of the calling program;

24 (6) The days of the week and hours of operation; and

26 (7) The name, address and telephone number of a
28 Maine-based legal representative of the calling
 organization.

30 Changes to the registration information or discontinuance of the
32 calling program must be reported to the Secretary of State within
 30 days.

34 The automated telephone calling device used for making the calls
36 subject to this chapter must be of a type approved by the Federal
 Communications Commission.

38 The Secretary of State may charge a fee sufficient to cover the
40 cost of registration. The Secretary of State shall, pursuant to
42 Title 5, chapter 375, adopt rules to carry out the purposes of
 this chapter, including the period for which registration is
 valid.'

44 Further amend the bill in that part designated "~~§1496.~~" by
46 striking out all of subsection 7 and inserting in its place the
 following:

48 '7. Penalty. Violation of this section, including the
50 provision of false registration information, is prima facie
 evidence of an unfair trade practice as prohibited by Title 5,
 section 207.'

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Further amend the bill in that part designated "\$1496." by renumbering the subsections to read consecutively.

Further amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

The Department of the Secretary of State anticipates a minimal number of registrants and can absorb the costs associated with those registrations within existing resources. Should the number of registrants be greater than expected, the Secretary of State may charge a fee to cover the costs, as specified in this bill.'

STATEMENT OF FACT

This amendment accomplishes the following.

1. It separates the types of messages regulated by this bill from the definition of an automated calling device.

2. It adds direct inward dial numbers to the list of those to which automated solicitation calls may not be made.

3. It changes allowed calling hours from weekdays from noon to 7 p.m. to weekdays from 9 a.m. to 5 p.m.

4. It makes it clear that the caller, not the telephone company, is responsible for the disconnection of the calls regulated by this bill and allows 5 seconds for this disconnection.

5. It requires persons making calls regulated by this chapter to identify their organization within the first minute of the call.

6. It eliminates the provision that allowed telephone subscribers to indicate that they do not wish to receive solicitation telephone calls.

7. It exempts governmental calls from the regulations of the bill.

8. It requires persons using automated calling devices to make calls within the State to register with the Secretary of State.

9. It makes violations of the provisions of the bill an unfair trade practice.