

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1973

H.P. 1421

House of Representatives, December 18, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 18, 1989. Referred to the Committee on Business Legislation and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

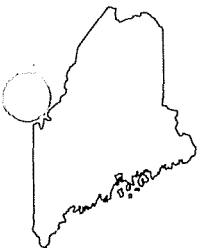
Presented by Representative ADAMS of Portland.

Cosponsored by Representative ALLEN of Washington, Senator BOST of Penobscot and Representative MARSH of West Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Protect Consumer Privacy by Regulating Automated
Telephone Solicitations.**



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

10 MRSA c. 223 is enacted to read:

CHAPTER 223

AUTOMATED TELEPHONE SOLICITATION

§1496. Automated telephone solicitation prohibited; exceptions; penalties

1. Definition. As used in this chapter, unless the context otherwise indicates, "automated telephone calling device" means any system or equipment that selects, dials or calls telephone numbers and plays recorded messages to:

- A. Offer real property, goods or services for sale or rent;**
- B. Convey information on real property, goods or services to solicit sales or purchase;**
- C. Promote or solicit charitable contributions;**
- D. Gather data or statistics or solicit information; and**
- E. Promote or otherwise use in connection with a political campaign.**

2. Prohibition. A person, partnership, corporation or association may not use an automated telephone calling device to make unsolicited calls to:

- A. Any emergency telephone numbers in this State including, but not limited to, the emergency telephone numbers of any hospital, physician, health care facility, ambulance service, or fire or law enforcement officer or facility;**
- B. Any paging or cellular phone within the State; or**
- C. Any unlisted, unpublished or toll-free long distance telephone number within the State.**

3. Restriction. A person, partnership, corporation or association may not use an automated telephone calling device to make unsolicited calls to any telephone number in the State except weekdays between noon and 7 p.m., according to the time in this State. In addition, unsolicited automated calls must disconnect immediately following the disconnection of the telephone number called.

2 4. Subscriber option. Annually, and to new subscribers,
3 all telephone companies doing business in the State must instruct
4 subscribers how to notify the company if a subscriber does not
5 wish to receive unsolicited automated calls. These instructions
6 must be in clear nontechnical language and allow a subscriber to
7 express that wish in writing or via telephone.

8
9 5. Prima facie violation. Use of any automated calling
10 device that calls telephone numbers sequentially and cannot
11 distinguish the telephone numbers of those authorized to be
12 contacted from those it is unlawful to contact is prima facie
13 evidence of intent to violate this section.

14
15 6. Exceptions. This section does not prohibit the use of
16 an automated telephone calling device to:

17 A. Inform purchasers of the receipt, availability or
18 delivery of goods or services or any other pertinent
19 information on the status of any purchased goods or
20 services; or

21 B. Respond to a telephone inquiry initiated by the person
22 to whom the automated telephone call is directed.

23
24 7. Penalty. Violation of this section is a civil offense
25 for which a penalty of up to \$500 for each offense may be
26 adjudged. Each unsolicited call is a separate offense.

27
28
29
30
31
32 **STATEMENT OF FACT**

33 This bill restricts the use of automated sales and
34 solicitation calls within Maine by limiting the hours these calls
35 may be made, allowing people to opt not to receive these calls
36 and prohibiting such calls to providers of emergency and other
37 services.