

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1751

H.P. 1273

House of Representatives, December 22, 2003

An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLISS of South Portland.
Cosponsored by Senator HALL of Lincoln and
Representatives: CUMMINGS of Portland, MARLEY of Portland, THOMPSON of China.

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

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Sec. 1. 35-A MRSA §7106, sub-§1, ¶A, as amended by PL 2001, c. 71, §2, is further amended to read:

A. Notwithstanding Title 32, chapter 69, subchapter V 5 or Title 32, section ~~4690-A, subsection 4~~ 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 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 obtained by an independent 3rd party.

Sec. 2. 35-A MRSA §7106, sub-§1, ¶B, as enacted by PL 1997, c. 702, §1, is amended to read:

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 ~~12~~ 24 months a record of nonpublic customer-specific information that establishes that the customer authorized the change.

Sec. 3. 35-A MRSA §7106, sub-§1, ¶C, as enacted by PL 1997, c. 702, §1, is repealed.

Sec. 4. 35-A MRSA §7106, sub-§3, ¶A, as enacted by PL 1997, c. 702, §1, is amended to read:

A. Except as otherwise provided in this subsection, rules adopted by the commission under this subsection, including rules regarding customer verification of a change of carrier, must be consistent with the rules adopted by the Federal Communications Commission governing the initiation of a change of a customer's interstate carrier, ~~except that the commission's rules on customer verification need not conform to the customer verification method involving a customer information package as defined in 47 Code of Federal Regulations, Section 64.1100(d).~~

SUMMARY

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4 This bill amends the provisions of the Maine Revised
6 Statutes, Title 35-A that protect consumers from the unauthorized
8 initiation of service by a local or intrastate interexchange
10 carrier. The bill revises the reference to Title 32, section
12 4690-A to reflect a change to that section enacted by Public Law
14 2001, chapter 324; allows electronic authorization of service
initiation, to be consistent with federal rules; requires
carriers to retain records for 24 months, to be consistent with
federal rules; removes a requirement of interexchange carriers
that refers to a function that interexchange carriers do not
carry out; and removes reference to a federal rule that was
repealed in 1999.