

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1254

S.P. 375

In Senate, March 22, 2011

An Act To Further Restrict Push Polling

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator HILL of York.
Cosponsored by Representative CAREY of Lewiston and
Senators: BARTLETT of Cumberland, PATRICK of Oxford.

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

2 **Sec. 1. 21-A MRSA §1014-B, sub-§1, ¶B**, as enacted by PL 2001, c. 416, §1, is
3 repealed.

4 **Sec. 2. 21-A MRSA §1014-B, sub-§1, ¶C**, as enacted by PL 2001, c. 416, §1, is
5 amended to read:

6 C. The pollster or polling organization does not collect or tabulate significant survey
7 results, as determined by the commission;

8 **Sec. 3. 21-A MRSA §1014-B, sub-§2**, as amended by PL 2003, c. 448, §1, is
9 further amended to read:

10 **2. Push polls; political telephone solicitations; requirements.** Push polling must
11 be conducted in accordance with this subsection.

12 A. A person may not authorize, commission, conduct or administer a push poll by
13 telephone or telephonic device unless, during each call, the caller identifies the
14 person or organization sponsoring or authorizing the call by stating "This is a paid
15 political advertisement by (name of persons or organizations)," and identifies the
16 organization making the call, if different from the sponsor, by stating "This call is
17 conducted by (name of organization)."

18 B. If any person identified as either sponsoring or authorizing the call is not required
19 to file any document with election officials pursuant to this Title, a valid, current,
20 publicly listed telephone number and address for the person or organization must be
21 disclosed during each call.

22 C. If any person sponsoring or authorizing the call is affiliated with a candidate, the
23 candidate's name and the office sought by that candidate must be disclosed during
24 each call.

25 D. If the call is an independent expenditure, as defined in section 1019-B, that a
26 candidate has not approved the call must be disclosed during each call.

27 It is not a violation of this subsection if the respondent voluntarily terminates the call or
28 asks to be called back before the required disclosures are made, unless the respondent is
29 in any way encouraged to do so by the person initiating the call.

30 A person may not state or imply false or fictitious names or telephone numbers when
31 providing the disclosures required under this subsection.

32 All oral disclosures required by this subsection must be made in a clear and intelligible
33 manner and must be repeated in that fashion upon request of the call respondent.
34 Disclosures made by any telephonic device must offer respondents a procedure to have
35 the disclosures repeated.

36 This subsection does not apply to a push poll or political telephone solicitation or contact
37 if the individuals participating in the call know each other prior to the call.

38 A person who violates this subsection may be assessed a forfeiture of ~~\$500~~ up to \$10,000
39 by the commission.

