

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 277

S.P. 89

In Senate, January 22, 2019

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### **An Act To Ban Telephone Solicitations Using an Artificial or Prerecorded Voice and Enhance Caller Identification**

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Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CHENETTE of York.  
Cosponsored by Representative NADEAU of Winslow and  
Senator: MIRAMANT of Knox, Representatives: CAIAZZO of Scarborough, RILEY of Jay.

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

2 **Sec. 1. 10 MRSA §1498, sub-§2**, as enacted by PL 1989, c. 775, is amended to  
3 read:

4 **2. Prohibition.** A person may not use an automated telephone calling device or an  
5 artificial or prerecorded voice to make solicitation calls to:

6 A. Any emergency telephone numbers in this State including, but not limited to, the  
7 emergency telephone numbers of any hospital, physician, health care facility,  
8 ambulance service, or fire or law enforcement officer or facility;

9 B. Any paging or cellular phone within the State; ~~or~~

10 C. Any unlisted, unpublished, toll-free long distance or direct inward dial telephone  
11 number within the State; or

12 D. Any residential telephone number within the State.

13 **Sec. 2. 10 MRSA §1498, sub-§6**, as enacted by PL 1989, c. 775, is amended to  
14 read:

15 **6. Exceptions.** This section does not prohibit the use of an automated telephone  
16 calling device or an artificial or prerecorded voice to:

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

19 B. Respond to a telephone inquiry initiated by the person to whom the automated  
20 call or call using an artificial or prerecorded voice is directed; ~~or~~

21 C. Carry out the duties of any state or local governmental unit; or school  
22 administrative unit or private school;

23 D. Deliver an emergency message by a governmental entity; or

24 E. Deliver information with the prior express written consent of the recipient of the  
25 call.

26 **Sec. 3. 10 MRSA §1499-A, sub-§2**, as enacted by PL 2003, c. 70, §1 and  
27 affected by §2, is repealed and the following enacted in its place:

28 **2. Prohibition.** Except as provided in subsection 3, it is an unfair trade practice, as  
29 prohibited by Title 5, section 207, for a seller or telemarketer to:

30 A. Fail to transmit or cause to be transmitted the telephone number and, when made  
31 available by the telemarketer's carrier, the name of the telemarketer to any caller  
32 identification service in use by a recipient of a telemarketing call; or

33 B. Cause misleading information to be transmitted to users of caller identification  
34 services or to otherwise misrepresent or disguise the origin of the telephone  
35 solicitation call.

**SUMMARY**

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This bill makes it an unfair trade practice for a telemarketer to misrepresent the telemarketer's phone number when making a solicitation. It also prohibits the use of prerecorded or artificial voices by telemarketers. It also provides that the current exceptions to the prohibition against using an automated telephone calling device also apply to the use of an artificial or prerecorded voice and provides additional exceptions for public and private schools, emergency messages by governmental entities and calls made to deliver information with the prior express written consent of the recipient of the call.