

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 956**

H. P. 742

House of Representatives, March 2, 1979

On Motion of Mr. Hughes of Auburn, referred to the Committee on Judiciary.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Prohibiting Fraudulent Communication Devices and the Publishing of  
Information on how to Fraudulently Avoid Payment of Telecommunication  
Services.**

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

**Sec. 1. 17 MRSA § 1609-B is enacted to read:**

**§ 1609-B. Fraudulent communication devices**

**Whoever willfully makes, assembles, possesses or sells, gives or otherwise transfers to another or offers or places in any newspaper, magazine, handbill or other publication any advertisement to sell, give or otherwise transfer to another or purchases or in any other manner obtains, receives or conceals any electronic, mechanical or other device, instrument, apparatus, equipment, plans, specifications, instructions or other information for making, assembling or using any such device, instrument, apparatus, or other equipment or publishing any such plans, specifications, instructions or other information with intent to use it or knowing or having reason to know that it is intended to be used or that its design renders it primarily useful to obtain any communication service from a company providing the service, by rearranging, tampering with or making any unauthorized connection, whether physically, electronically, acoustically, inductively or otherwise to any telephone instrument, equipment or facility of any**

such company, to avoid the payment, in whole or in part, of the lawful charge for the communication service or to conceal from any such company or from any lawful authority the existence or place of origin or termination of any such communication or by using any communication service knowing or having reason to know that the rearrangement, tampering or connection existed at the time of use, shall be guilty of a Class E crime.

Any instrument, apparatus, device, plans, specifications or instructions or other information described in this section may be seized under warrant or incident to a lawful arrest, and, upon conviction of a person for violation of this section, the instrument, apparatus, device, plans, specifications, instructions or other information may be destroyed as contraband by the officers, agents or other persons as may be authorized or designated for that purpose by the Attorney General.

Sec. 2. 17 MRSA § 1609-C is enacted to read:

**§ 1609-C. Publishing information, etc. on how to fraudulently avoid payment of telecommunication services; penalty**

**1. Definition.** As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings.

**A. "Publishes"** means the communication of information to any one or more persons, either orally, in person or by telephone, radio or television, or in a writing of any kind, including a letter or memorandum, circular poster or handbill, newspaper or magazine article or book with the intent that the information be used or employed in violation of this section.

**2. Prohibition.** Whoever publishes or causes to be published the number or code of an existing, cancelled, revoked, expired or nonexistent credit card issued by a company providing telecommunication services or the numbering or coding system which is employed in the issuance of credit cards or any method, scheme, instruction or information on how to fraudulently avoid payment for telecommunication services, with the intent that the number or coding system or information be used or with knowledge that the system or information are to be used to fraudulently avoid the payment of any lawful charges imposed by that company shall be guilty of a Class E crime.

#### STATEMENT OF FACT

This bill would provide penalties for fraudulent use of communication devices and for publishing information on how to fraudulently avoid payment of telecommunication services.