

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 1975

H.P. 1423

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 MARSANO of Belfast, Representative ALLEN of Washington and Senator BOST of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Protect Consumers Against Unsolicited Telefacsimile  
Transmissions.**

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

4 10 MRSA c. 223 is enacted to read:

6 CHAPTER 223

8 TELEFACSIMILE TRANSMISSIONS

10 §1496. Unsolicited telefacsimile transmissions prohibited

12 1. Definitions. As used in this chapter, unless the  
context otherwise indicates, the following terms have the  
following meanings.

14 A. "Telefacsimile" means any process in which electronic  
signals are transmitted by means of a telephone system for  
conversion into images or written text.

18 2. Prohibition. No person may initiate:

20 A. The unsolicited transmission of a telefacsimile message:

22 (1) Seeking charitable contributions; or

24 (2) Promoting real property, goods or services for  
purchase or rent by the recipient of such a message;

26 B. The transmission of a telefacsimile message with the  
intent to threaten, harass, annoy or alarm the recipient of  
any such message; or

28 C. The transmission of a telefacsimile message to a  
recipient with whom the person had a prior contractual or  
business relationship if the recipient has requested in  
writing or by telefacsimile message that any such  
transmissions cease.

30 3. Exception. Subsection 2, paragraph A, does not apply if  
the person initiating the transmission and the recipient have a  
prior contractual or business relationship and no request to  
cease any such transmission has been made by the recipient in  
writing or by telefacsimile message to the person initiating the  
transmission.

32 4. Penalty. Violation of this section is a civil violation  
for which a forfeiture not to exceed \$500 for each violation may  
be adjudged. Each complete telefacsimile transmission  
constitutes a separate violation.

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## STATEMENT OF FACT

4           This bill prohibits the unsolicited transmission of  
6 telefacsimile messages to request charitable contributions or as  
8 advertisements unless the recipient and the sender have a prior  
10 business or contractual relationship and the recipient has not  
12 requested that the transmissions cease. The bill also prohibits  
transmissions of threatening or harassing messages. Violations  
may result in a civil forfeiture of up to \$500 for each  
transmission.