

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1118, L.D. 1643, Bill, "An Act to Protect Telephone Customer Privacy"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 35-A MRSA §7101-A is enacted to read:

§7101-A. Telecommunications privacy; policy

The Legislature declares and finds the following.

1. Privacy right. Telephone subscribers have a right to privacy and the protection of this right to privacy is of paramount concern to the State.

2. Exercise of right. To exercise their right to privacy, telephone subscribers must be able to limit the dissemination of their telephone numbers to persons of their choosing.

Sec. 2. 35-A MRSA §7102, sub-§1-A is enacted to read:

1-A. Caller-ID service. "Caller-ID service" means a service that allows a person who receives a telephone call to know, by means of an appropriate device, the telephone access line identification number or other telephone access line identification information. A caller-ID service does not include the following:

A. An identification service that is used within the same limited system, including, but not limited to, a private branch exchange system;

2 B. An identification service provided in connection with a
4 700, 800 or 900 access code telephone service until the
telephone corporation develops the technical capability to
comply with section 7105 as determined by the commission; or

6 C. An identification service that provides billing
8 information to another telephone utility.

10 **Sec. 3. 35-A MRSA §7103**, as enacted by PL 1991, c. 252, §2
and c. 352, §1, is repealed and the following enacted in its
12 place:

14 **§7103. Automated calling procedures**

16 **1. Rulemaking.** The commission shall adopt rules to
establish the following:

18 A. A notification procedure for any customer of a telephone
20 utility who does not want to receive automated telephone
calls pursuant to Title 10, section 1498; and

22 B. A procedure to prevent users of automated telephone
24 calling devices from dialing the telephone numbers of
customers who do not want to be called.

26 **2. Fees by telephone utilities.** A telephone utility may not
28 charge a customer a fee for an action taken by the utility in
response to the customer's request not to receive automated
telephone calls.

30 **Sec. 4. 35-A MRSA §§7104 and 7105** are enacted to read:

32 **§7104. Affordable telephone service**

34 The commission shall require each local telephone company to
36 participate in statewide outreach programs designed to increase
the number of low-income telephone customers on the network
38 through increased participation in any universal service programs
approved by the commission. The commission may adopt rules to
40 implement this section.

42 **§7105. Caller-ID services**

44 Caller-ID services provided in this State are subject to the
46 following.

48 **1. Blocking provided.** At least 2 months prior to
initiating a caller-ID service and throughout the period that a
caller-ID service is offered to subscribers in this State, a

2 telephone utility shall advertise and, immediately upon
3 initiating such service, offer to all subscribers the following:

4 A. Free per-call blocking; and

6 B. Upon subscriber request, per-line blocking. Telephone
7 utilities shall offer subscribers one free per-line blocking
8 and one free per-line unblocking.

10 The commission shall prescribe the form and content of
11 advertising required under this section.

12 2. Penalty. A person who knowingly violates this section
13 commits a civil violation for which a forfeiture not to exceed
14 \$1,000 may be adjudged for each offense.

16 **Sec. 5. Effective date.** This Act takes effect 120 days after
18 the adjournment of the Second Regular Session of the 115th
19 Legislature.

22 FISCAL NOTE

24 The Public Utilities Commission will incur some minor
25 additional administrative costs to process new tariffs filed by
26 telephone utilities. These costs can be absorbed within the
27 commission's existing budgeted resources.

28 The additional workload and administrative costs associated
29 with the minimal number of new cases filed in the court system
30 will be absorbed within the budgeted resources of the Judicial
31 Department.

34 The collection of additional fines will increase General
35 Fund revenue. The amount of revenue can not be estimated at this
36 time.'

40 STATEMENT OF FACT

42 This amendment, which is the majority report of the Joint
43 Standing Committee on Utilities, replaces the original bill. The
44 amendment provides for the following:

46 1. Establishes a general policy of protecting telephone
47 subscriber privacy;

48 2. Provides a definition of caller-ID services;

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2 3. Corrects a technical error in the Maine Revised
3 Statutes, Title 35-A, where 2 substantively different provisions
4 were enacted with the same section number. These provisions
5 appear unchanged in this amendment as Title 35-A, section 7103,
6 relating to automated calling procedures, and section 7104,
7 relating to affordable telephone service;

8
9 4. Requires telephone utilities that provide caller-ID
10 services to offer subscribers per-line blocking and free per-call
11 blocking of caller-ID services. Per-line blocking must be
12 offered free to a subscriber for the first per-line blocking and
13 the first per-line unblocking of the subscriber's line; and

14 5. Adds a fiscal note.

Reported by the Majority from the Committee on Utilities.
Reproduced and distributed under the direction of the Clerk of the House.

2/3/92

(Filing No. H-888)