

MAINE STATE LEGISLATURE

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

HOUSE 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. "Caller-ID" 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. "Caller-ID" 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, or PBX, system or a Centrex system;

B. An identification service provided in connection with audiotext services, as defined in section 801, toll-free, or "800" access code, telephone service or a similar telephone service;

2 C. An identification service that provides billing
4 information to another telephone utility or to others
 providing service to a customer;

6 D. An identification service that is used on a public
8 agency's emergency telephone line or on the line that
 receives the 9-1-1 or primary emergency telephone number; and

10 E. An identification service provided in connection with
12 legally sanctioned call tracing or tapping procedures.

14 **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and c. 352, §1, is repealed and the following enacted in its
place:

16 **§7103. Automated calling procedures**

18 1. Rulemaking. The commission shall adopt rules to
20 establish the following:

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

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

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

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

38 **§7104. Affordable telephone service**

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

46 **§7105. Caller-ID**

48 Caller-ID services provided in this State are subject to the
50 following.

1. Per-call blocking. At least 2 months prior to initiating any caller-ID service, and throughout the period that caller-ID service is offered to subscribers in this State, telephone utilities must advertise and immediately upon initiating such service must offer to all subscribers free per-call blocking. The commission shall review the form and content of advertising required under this section.

2. Per-line blocking. In any order in which the commission approves the offering of caller-ID in this State, the commission shall require per-line blocking to be provided to individuals, agencies and groups that submit a written request to the telephone utility asserting a specific need for per-line blocking for reasons of health and safety. Telephone utilities may not charge a subscriber a fee for the first per-line blocking or unblocking of the subscriber's line. Except as otherwise authorized by law or to confirm that a subscriber has made a valid request, telephone utilities may not disclose information concerning the request for per-line blocking submitted by an individual, agency or group.

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

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

FISCAL NOTE

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

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

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

STATEMENT OF FACT

This amendment replaces the bill. The amendment:

- 2 1. Provides a definition of caller-ID services;
- 4 2. Corrects a technical error in the Maine Revised
6 Statutes, Title 35-A, where 2 substantively different provisions
8 were enacted with the same section number. These provisions
10 appear unchanged in this amendment as Title 35-A, section 7103,
12 related to automated calling procedures, and section 7104,
14 related to affordable telephone service;
- 16 3. Requires telephone utilities that provide caller-ID
18 services to offer free per-call blocking of caller-ID services.
20 Per-line blocking must be offered to individuals, agencies and
22 groups that submit a written request to the telephone utility
24 asserting a specific need for per-line blocking for reasons of
health and safety. The first per-line blocking and unblocking
must be provided to subscribers without charge;
4. Prohibits telephone utilities from disclosing
information concerning requests for per-line blocking except as
otherwise required by law; and
5. Adds a fiscal note.

Filed by Rep. Adams of Portland
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House
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