

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1643

H.P. 1118

House of Representatives, April 24, 1991

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

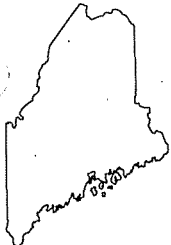
Presented by Representative ADAMS of Portland.

Cosponsored by Representative MORRISON of Bangor and Representative CLARK of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Protect Telephone Customer Privacy.



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

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35-A MRSA §7101-A is enacted to read:

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§7101-A. Telecommunications privacy; policy

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The Legislature declares and finds all of the following.

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

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

18 3. Identification of originating number. Telephone
20 utilities may not transmit or otherwise facilitate the movement
22 of electronic or other impulses that identify the originating
24 number of an instrument or device from which a wire or electronic
26 communication is transmitted, absent the consent of both users to
that wire or electronic communication. Consent between users
exists when a called party user subscribes to a telephone call
identification service and when a calling party user authorizes
in writing or by electronic means the dissemination of the
calling party user's telephone number.

28
30 4. Charge for withholding number prohibited. There may not
32 be a charge to the user who requests that the user's telephone
number be withheld from the recipient of any wire or electronic
communication initiated by the user.

34 5. Exceptions. This section does not apply to any of the
36 following:

38 A. An identification service that is used within the same
40 limited system, including but not limited to a Centrex or
private branch exchange, or PBX, system, as the recipient
telephone;

42 B. An identification service that is used on a public
44 agency's emergency telephone line or on the line that
receives the 911 or primary emergency telephone number;

46 C. Any identification service provided in connection with
48 legally sanctioned call tracing or tapping procedures; and

50 D. Any identification service provided in connection with
52 an 800 or 900 access code telephone service until the
telephone corporation develops the technical capability to
comply with subsection 3 as determined by the commission.

2 6. Penalty. A person who knowingly violates subsection 3
3 commits a civil violation for which a forfeiture not to exceed
4 \$1,000 may be adjudged for each offense.

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STATEMENT OF FACT

This bill recognizes that the fundamental privacy rights concept extends to telephone communications and clarifies that state law is consistent with the plain language and intent of 18 United States Code, Section 3121. Under current state law, telephone subscribers are not afforded privacy with respect to the dissemination of their telephone numbers. This bill places the choice of dissemination in the hands of the individual subscribers. This bill allows for telephone caller identification services in the following circumstances: when the consent of both parties to a telephone communication has been obtained; within private companies; in emergency circumstances; and in connection with legally sanctioned call tracing or tapping procedures.