

MAINE STATE LEGISLATURE

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R.S.

L.D. 135

DATE: 6/13/95

(Filing No. H-463)

MINORITY
UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "E" to H.P. 100, L.D. 135, Bill, "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation"

Amend the bill by striking out the title and substituting the following:

'An Act Relating to Telephone Solicitation'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 10 MRSA c. 225 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 225

TELEPHONE SOLICITATION

Sec. 2. 10 MRSA §1499, as amended by PL 1993, c. 589, §1, is repealed.

Sec. 3. 10 MRSA §1499-A is enacted to read:

§1499-A. Telephone solicitation

1. Prohibition. A person may not initiate a solicitation call to any residential subscriber in this State if the subscriber is identified in the person's telephone directory listing as a subscriber who does not wish to receive solicitation calls.

2. Penalty. Violation of subsection 1 is an unfair trade practice under Title 5, section 207.'

COMMITTEE AMENDMENT

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2 Further amend the bill by inserting after section 2 the following:

4 'Sec. 3. 35-A MRSA §7106 is enacted to read:

6 **§7106. Directory do-not-call identification**

8 **1. Notice.** A telephone utility that chooses to identify in directories the names of persons who do not wish to receive solicitation calls pursuant to Title 10, section 1499-A:

12 A. Shall notify customers in a reasonable manner of the availability of the service;

14 B. May not charge for the service more than the utility's costs of providing the service, including the costs of providing notice in accordance with paragraph A; and

18 C. May not include the names of persons who have requested the service in any list that it sells or otherwise distributes to entities that may use the list for solicitation purposes.'

24 Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

28 Further amend the bill by inserting at the end before the statement of fact the following:

32 **FISCAL NOTE**

34 This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.'

42 **STATEMENT OF FACT**

44 This amendment, which is the minority report of the Joint Standing Committee on Utilities and Energy, does the following.

48 1. It preserves that portion of the bill that repeals a requirement that the Public Utilities Commission adopt rules concerning telephone solicitation and repeals a provision that

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2 prohibits automated solicitation calls to persons who have
notified the telephone utility of their desire not to receive
those calls.

4
6 2. It prohibits solicitation calls to persons who are
identified in telephone directories as persons who do not wish to
receive solicitation calls. Telephone utilities are not required
8 to modify their directories to identify these persons, but if a
utility does provide this service, it must provide reasonable
10 notice to customers of the service and delete the names of
persons requesting the service from any lists that it sells to
12 solicitors. A telephone utility is prohibited from charging for
the service more than its costs of providing the service.

14
The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT