

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2355

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S.P. 903

In Senate, January 12, 2000

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**An Act to Repeal Certain Archaic and Unenforced Laws Related to the  
Duties of the Secretary of State.**

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Submitted by the Secretary of State pursuant to Joint Rule 204.  
Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KONTOS of Cumberland.  
Cosponsored by Representative O'NEAL of Limestone.

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

2  
4       **Sec. 1. 10 MRSA §1498, sub-§3**, as amended by PL 1991, c. 524,  
§2, is further amended to read:

6           **3. Restriction.** A person may not use an automated  
7 telephone calling device to make solicitation calls to any  
8 telephone number in the State except weekdays between 9 a.m. and  
9 5 p.m., according to the time in this State, and may not complete  
10 more than one solicitation call to any telephone number during  
11 each 8-hour period. In addition, the person using the device to  
12 place the call shall ensure that the device disconnects no more  
13 than 5 seconds following the disconnection of the telephone  
14 number called.

16       The automated telephone calling device used for making the calls  
17 subject to this chapter must be of a type approved by the Federal  
18 Communications Commission.

20       **Sec. 2. 10 MRSA §1498, sub-§7**, as amended by PL 1991, c. 524,  
§3, is repealed.

22       **Sec. 3. 10 MRSA §1498, sub-§8**, as enacted by PL 1989, c. 775,  
24 is amended to read:

26           **8. Penalty.** Violation of this section, ~~including the~~  
27 ~~provision of false registration information,~~ is an unfair trade  
28 practice as prohibited by Title 5, section 207.

30       **Sec. 4. 26 MRSA §1308, sub-§§2 and 3**, as amended by PL 1997, c.  
31 757, §7, are further amended to read:

32           **2. Certified copies.** A copy of any determination made at  
33 the request of the public authority must be certified by the  
34 director and filed immediately with the public authority ~~and with~~  
35 ~~the Secretary of State.~~ Copies must be supplied by the bureau to  
36 all persons requesting same within 10 days after the filing.

38           **3. Appeal.** Any person affected by the determination of the  
39 director, whether or not that person participated in the  
40 proceedings resulting in the determination, may appeal to the  
41 commissioner from that determination by filing a written notice  
42 with the commissioner stating the specific grounds of that  
43 person's objection within 10 days from the filing of the copy of  
44 the determination with the ~~Secretary of State~~ public authority.  
45 The commissioner shall hold a hearing on the appeal, pursuant to  
46 Title 5, chapter 375, subchapter IV, within 20 days from the  
47 receipt of notice of appeal. The hearing by the commissioner  
48 must be held in Augusta. The commissioner has the authority to  
49 affirm, reverse or amend the determination of the director. The  
50

2 commissioner shall render a decision within 10 days after the  
conclusion of the hearing.

4 **Sec. 5. 30-A MRSA §3010, sub-§3,** as enacted by PL 1989, c.  
6 352, is repealed.

8

#### SUMMARY

10 This bill eliminates the registration requirements of  
12 automated telephone solicitation, cable television franchise  
agreements and determination of wages and benefits by the Office  
of the Secretary of State.