

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

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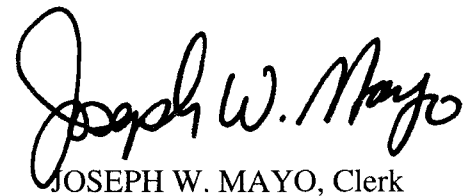
H.P. 1855

House of Representatives, February 29, 2000

An Act Relating to Telemarketing.

Reported by Representative DAVIDSON for the Joint Standing Committee on Utilities and Energy pursuant to Joint Order H.P. 1560.

Reference to the Joint Standing Committee on Utilities and Energy suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

2
4 **Sec. 1. 10 MRSA §1498, sub-§7**, as amended by PL 1991, c. 524, §3, is repealed.

6 **Sec. 2. 10 MRSA §1498, sub-§7-A** is enacted to read:

8 **7-A. Failure to produce transcript.** A person using an automated telephone calling device for making solicitation calls shall maintain a full transcript of each solicitation call message that the person has transmitted to consumers during the previous 36 months. A copy of the transcript must be made available to the Attorney General upon request. Failure to provide a copy of a requested transcript is a violation of this section.

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

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

24 **Sec. 4. 32 MRSA §4690-A** is enacted to read:

26 **§4690-A. Telemarketers**

28 **1. Incorporation of federal standards.** Violation of any provision of the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Part 310, as in effect on January 1, 2000, other than Section 310.3 (a) (3) of that rule, by a transient seller of consumer merchandise is a violation of this chapter.

34 **2. Additional prohibitions.** A transient seller of consumer merchandise who is a telemarketer, as defined in the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Section 310.2, as in effect on January 1, 2000, and who initiates telephone contact with a consumer may not:

40 A. Obtain or submit for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings or bond or other account without the consumer's express, verifiable written authorization; or

46 B. Procure the services of any professional delivery courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the goods are delivered with the opportunity to inspect before any payment is collected.

2 who have arranged to be included on the Direct Marketing
Association's do-not-call list and prohibits the telemarketer
4 from calling consumers whose names are on the list. Good faith
errors are not violations of this provision; and

6 5. Repeals the registration requirement for users of
automated telephone calling devices and enacts a new provision
8 requiring the users of such devices to maintain transcripts of
solicitation messages and to provide these transcripts to the
10 Attorney General upon request.