

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2041

H.P. 1538

House of Representatives, December 26, 2001

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### An Act to Control Internet "Spam".

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Business and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative GOODWIN of Pembroke.

Under suspension of the rules, cosponsored by Senator FERGUSON of Oxford and Representatives: BLISS of South Portland, BRUNO of Raymond, COLWELL of Gardiner, DUPLESSIE of Westbrook, HALL of Bristol, NORBERT of Portland, SAVAGE of Buxton, Speaker SAXL of Portland, SCHNEIDER of Durham, Senators: CARPENTER of York, DAGGETT of Kennebec, DAVIS of Piscataquis, McALEVEY of York, SMALL of Sagadahoc, TREAT of Kennebec.

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

4 **Sec. 1. 10 MRSA c. 224** is enacted to read:

6 **CHAPTER 224**

8 **ELECTRONIC MAIL SOLICITATION**

10 **§1497. Electronic mail solicitation restricted**

12 **1. Definitions.** As used in this chapter, unless the  
14 context otherwise indicates, the following terms have the  
16 following meanings.

18 **A. "E-mail" means electronic mail sent or delivered by**  
20 **transmission over the Internet.**

22 **B. "E-mail service provider" means a business or**  
24 **organization qualified to do business in this State that**  
26 **provides individuals, corporations or other entities the**  
28 **ability to send or receive e-mail through equipment located**  
30 **in this State or that is an intermediary in sending or**  
32 **receiving e-mail.**

34 **C. "Unsolicited commercial e-mail" means an e-mail sent to**  
36 **large numbers of groups or individual users on the Internet**  
38 **with whom the sender does not have an existing business**  
40 **relationship and not sent at the request of the recipient**  
42 **for the purpose of:**

44 (1) **Offering real property, goods or services for sale**  
46 **or rent;**

48 (2) **Conveying information on real property, goods or**  
50 **services to solicit sales or purchase;**

(3) **Conveying information on the extension of credit;**

(4) **Promoting or soliciting charitable contributions;**  
or

(5) **Broadcasting political or social commentary.**

**2. Requirements.** A person sending unsolicited commercial  
e-mail shall maintain a valid:

A. **Toll-free telephone number in the United States;**

B. **Return e-mail address that is operated by the person**  
sending the unsolicited commercial e-mail; and

2           C. Return United States postal address.

4           3. Statement. All unsolicited commercial e-mail must  
6           contain:

8           A. In the subject line:

10                   (1) The first 4 characters as follows: "ADV:"; and

12                   (2) If the unsolicited commercial e-mail contains  
14                   information about material that may only be viewed by a  
                    person at least 18 years of age, the first 8 characters  
                    as follows: "ADV:ADLT";

16           B. A statement informing the recipient of the name of the  
18           person or entity from whom the unsolicited commercial e-mail  
                    originated;

20           C. The toll-free telephone number, return e-mail address  
22           and return United States postal address required by  
                    subsection 2; and

24           D. A statement informing the recipient that the recipient  
26           may use any of the methods of communication in paragraph C  
28           to notify the sender that the recipient does not want to  
                    receive any more unsolicited commercial e-mails from the  
                    sender.

30           4. Prohibition. A person receiving notification from a  
32           recipient that the recipient does not wish to receive any more  
34           unsolicited commercial e-mails from that person shall cease to  
                    send unsolicited commercial e-mails to that recipient.

36           5. Multiple e-mail addresses. An employer who is the  
38           registered owner of more than one e-mail address may notify a  
40           sender of unsolicited commercial e-mails to cease sending  
                    unsolicited commercial e-mails to any of the e-mail addresses  
                    registered to the employer.

42           6. Penalty. Violation of this chapter is an unfair trade  
44           practice as prohibited by Title 5, section 207. Each unsolicited  
                    commercial e-mail transmission to a recipient constitutes a  
                    separate violation.

46           7. Repeal. If federal law is enacted that prohibits or  
48           otherwise regulates the transmission of unsolicited commercial  
                    e-mail, this chapter is repealed as of the effective date of the  
                    federal law.

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## SUMMARY

4           This bill restricts unsolicited commercial e-mail, defined  
6 as e-mail that is sent for the purpose of advertising or  
8 conveying real property, goods or services or extending credit,  
10 soliciting contributions or broadcasting a political or social  
12 message, by requiring the e-mail to contain a valid toll-free  
14 telephone number, return e-mail address and return postal address  
16 maintained by the sender to which the recipient may respond  
18 indicating that the recipient does not wish to receive further  
20 unsolicited commercial e-mail from the sender. The restriction  
does not apply to e-mail sent to persons with whom the sender has  
a prior relationship or who have requested the information from  
the sender. Each unsolicited commercial e-mail sent to a  
recipient in violation is considered an unfair trade practice.  
The provisions of this bill would be repealed in the event that  
federal legislation is enacted that prohibits or regulates  
unsolicited commercial e-mail.

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