

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3/28/03

(Filing No. S-15)

UTILITIES AND ENERGY

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 113, L.D. 331, Bill, "An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 10 MRSA §1499-A is enacted to read:

§1499-A. Telemarketing; prohibition on number blocking

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Caller identification service" means a service that allows a telephone subscriber to have the telephone number and, where available, name of the calling party transmitted contemporaneously with the telephone call and displayed on a device in or connected to the subscriber's telephone.

B. "Seller" means any person who, in connection with a telemarketing transaction, provides, offers to provide or arranges for others to provide goods or services to the customer in exchange for consideration.

C. "Telemarketer" means any person who, in connection with telemarketing, initiates or receives telephone calls to or from a customer or donor.

1228

2 D. "Telemarketing" means a plan, program or campaign that
3 is conducted by use of one or more telephones to induce the
4 purchase of goods or services or a charitable contribution
5 and that involves more than one intrastate telephone call.
6 "Telemarketing" does not include the solicitation of sales
7 through the mailing of a catalog that contains a written
8 description or illustration of the goods or services offered
9 for sale, the business address of the seller and multiple
10 pages of written material or illustrations, and that is
11 issued not less frequently than once a year, if the person
12 making the solicitation does not solicit customers by
13 telephone but only receives calls initiated by customers in
14 response to the catalog and during those calls takes orders
15 without further solicitation. For purposes of this
16 paragraph, the term "further solicitation" does not include
17 providing the customer with information about, or attempting
18 to sell, any other item included in the same catalog that
19 prompted the customer's call or in a substantially similar
20 catalog.

21 2. Prohibition. Except as provided in subsection 3, it is
22 an unfair trade practice, as prohibited by Title 5, section 207,
23 for a seller or telemarketer to fail to transmit or cause to be
24 transmitted the telephone number and, when made available by the
25 telemarketer's carrier, the name of the telemarketer to any
26 caller identification service in use by a recipient of a
27 telemarketing call.

28 3. Exception. It is not a violation of subsection 2 for a
29 seller or telemarketer to substitute for the name and telephone
30 number used in or billed for making the call:

31 A. The name of the seller or charitable organization on
32 whose behalf the telemarketing call is placed; and

33 B. The seller's or charitable organization's customer or
34 donor service telephone number that is answered during
35 regular business hours.

36 **Sec. 2. Effective date.** This Act takes effect January 29, 2004.'

SUMMARY

37 This amendment, which is the majority report of the Joint
38 Standing Committee on Utilities and Energy, replaces the bill.
39 This amendment requires intrastate telemarketers to transmit or
40 cause to be transmitted the telephone number and, when made
41 available by the telemarketer's carrier, the name of the

COMMITTEE AMENDMENT "A" to S.P. 113, L.D. 331

2 telemarketer to any caller identification service in use by a
recipient of a telemarketing call. The Federal Trade Commission
4 has recently adopted by rule a similar provision relating to
interstate telemarketing calls. Full compliance with the federal
6 rule provision is not required until January 29, 2004; the
amendment makes the Maine provision effective on the same date.

8
10

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 331

**An Act Restricting Telemarketers from Blocking Their Telephone
Numbers When Making Solicitation Calls**

LR 1218(02)

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Utilites and Energy

Fiscal Note Required: Yes

Majority Report

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new civil violation within the Unfair Trade Practices statutes
This bill may increase the number of civil suits