

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2038

H.P. 1436

House of Representatives, March 1, 2006

### An Act To Protect the Privacy of Cellular Telephone Customers

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BRAUTIGAM of Falmouth.  
Cosponsored by Senator BARTLETT of Cumberland and  
Representatives: DRISCOLL of Westbrook, DUNN of Bangor, GROSE of Woolwich,  
HARLOW of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, PARADIS of  
Frenchville, SOCKALEXIS of the Penobscot Nation.

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

2 **Sec. 1. 35-A MRSA c. 93** is enacted to read:

3 **CHAPTER 93**

4 **CELLULAR TELEPHONE CUSTOMER PRIVACY ACT**

5 **§9201. Short title**

6 This chapter may be known and cited as "the Cellular Telephone Customer Privacy  
7 Act."

8 **§9202. Definitions**

9 As used in this chapter, unless the context otherwise indicates, the following terms  
10 have the following meanings.

11 **1. Customer proprietary network information.** "Customer proprietary network  
12 information" has the same meaning as in 47 United States Code, Section 222(h)(1).

13 **2. Telecommunications carrier.** "Telecommunications carrier" has the same  
14 meaning as in 47 United States Code, Section 1153(44).

15 **3. Wireless telephone service.** "Wireless telephone service" means any form of  
16 wireless telephone service, including cellular telephone service, broadband personal  
17 communications telephone service, covered specialized mobile radio service and any  
18 successors to such services.

19 **4. Wireless telephone service provider.** "Wireless telephone service provider"  
20 means a telecommunications carrier that provides wireless telephone service.

21 **§9203. Sale or disclosure of customer proprietary network information**

22 **1. Prohibition.** A person may not sell or disclose or offer to sell or disclose any  
23 customer proprietary network information relating to the wireless telephone service  
24 account of any resident of the State.

25 **2. Exception.** The prohibition contained in subsection 1 does not apply to a  
26 disclosure of customer proprietary network information:

27 **A. Authorized by:**

28 **(1) A law, regulation or rule;**

29 **(2) An order of an agency having regulatory authority over a wireless telephone**  
30 **service provider; or**

31 **(3) The wireless telephone service account holder; or**

32 **B. Required by a subpoena, warrant or other lawful process.**

33 **3. Penalty.** A person who knowingly violates this section commits a Class C crime.  
34 Violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

**SUMMARY**

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This bill prohibits a person from selling or disclosing or offering to sell or disclose records of telephone numbers called or telephone numbers from which calls were received and other information relating to the wireless telephone service account of a resident of Maine.