

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2269

H.P. 1632

House of Representatives, March 20, 2008

An Act To Strengthen Maine's Consumer Protections against "Slamming"

(AFTER DEADLINE)

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 RINES of Wiscasset.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: BERRY of Bowdoinham, CAREY of Lewiston, CROCKETT of Augusta,
FITTS of Pittsfield, PINGREE of North Haven, PRATT of Eddington, SILSBY of Augusta,
Senator: SMITH of Piscataquis.

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

2 **Sec. 1. 35-A MRSA §7106, sub-§1, ¶A**, as amended by PL 2003, c. 530, §1, is
3 further amended to read:

4 A. Notwithstanding Title 32, chapter 69, subchapter 5 or Title 32, section 14716, and
5 except as otherwise provided by the commission by rule adopted pursuant to
6 subsection 3, a local or intrastate interexchange carrier may not initiate the change of
7 a customer's local or intrastate carrier without the customer's express authorization
8 and unless the change is verified by one of the following methods:

- 9 (1) Written or electronically signed authorization from the customer;
- 10 (2) Toll-free electronic authorization placed from the telephone number that is
11 the subject of the change order; or
- 12 (3) Oral authorization obtained by an independent 3rd party.

13 **Sec. 2. 35-A MRSA §7106, sub-§1-A** is enacted to read:

14 **1-A. Audio recording; requirement.** A local or intrastate interexchange carrier
15 may not misrepresent its identity or services when discussing its services with a potential
16 customer. To demonstrate compliance with this subsection, a carrier shall make an audio
17 recording of any telephone conversation it has with a prospective customer who
18 ultimately authorizes the change to that carrier. The carrier shall preserve for 24 months
19 from the date of the authorized change all recordings required by this subsection.

20 **Sec. 3. 35-A MRSA §7106, sub-§6** is enacted to read:

21 **6. Customer education.** The commission shall periodically inform telephone
22 customers in the State of the protections and rights provided by this section.

23 **SUMMARY**

24 This bill prohibits a local or intrastate interexchange carrier of telecommunications
25 services from initiating a change of a customer's carrier without the customer's express
26 authorization. This bill also prohibits such a carrier from misrepresenting its identity or
27 services when conversing with potential customers and requires that the carrier make and
28 retain audio recordings of telephone conversations with customers who authorize a
29 change of carriers. The bill requires the Public Utilities Commission to inform customers
30 of the protections and rights regarding the unauthorized change of carrier.