

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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## FINANCE AUTHORITY OF MAINE

1990-91

## Waste Oil Furnace Loan Fund

All Other \$100,000

Reallocates funds to capitalize the Waste Oil Furnace Loan Fund previously allocated to the Boarding Homes Demonstration Program under the Executive Department.

See title page for effective date.

## CHAPTER 775

H.P. 1421 - L.D. 1973

An Act to Protect Consumer Privacy by  
Regulating Automated Telephone Solicitations

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

10 MRSA c. 225 is enacted to read:

CHAPTER 225AUTOMATED TELEPHONE SOLICITATION§1498. Automated telephone solicitation prohibited; exceptions; penalties

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

A. "Automated telephone calling device" means any system or equipment that selects, dials or calls telephone numbers and plays recorded messages.

B. "Solicitation calls" means calls the purpose of which is any of the following:

(1) To offer real property, goods or services for sale or rent;

(2) To convey information on real property, goods or services to solicit sales or purchase;

(3) To promote or solicit charitable contributions; or

(4) To gather data or statistics or solicit information.

2. Prohibition. A person may not use an automated telephone calling device to make solicitation calls to:

A. Any emergency telephone numbers in this State including, but not limited to, the emergency telephone numbers of any hospital, physician, health care facility, ambulance service, or fire or law enforcement officer or facility;

B. Any paging or cellular phone within the State; or

C. Any unlisted, unpublished, toll-free long distance or direct inward dial telephone number within the State.

3. Restriction. A person may not use an automated telephone calling device to make solicitation calls to any telephone number in the State except weekdays between 9 a.m. and 5 p.m., according to the time in this State. In addition, the person using the device to place the call shall ensure that the device disconnects no more than 5 seconds following the disconnection of the telephone number called.

4. Caller identification. Persons making calls restricted under the provision of subsection 3 shall, within the first minute of the call, identify the name, address and telephone number of the organization for whom the call is being made.

5. Prima facie violation. Use of any automated calling device that calls telephone numbers sequentially and cannot distinguish the telephone numbers of those authorized to be contacted from those it is unlawful to contact is prima facie evidence of intent to violate this section.

6. Exceptions. This section does not prohibit the use of an automated telephone calling device to:

A. Inform purchasers of the receipt, availability or delivery of goods or services or any other pertinent information on the status of any purchased goods or services;

B. Respond to a telephone inquiry initiated by the person to whom the automated call is directed; or

C. Carry out the duties of any state or local governmental unit.

7. Registration. Any person intending to use an automated telephone calling device for making solicitation phone calls shall first register with the Secretary of State on forms designated by the Secretary of State which include, but are not limited to, the following information:

A. The name, address and telephone number of the registrant, any person employed by the registrant or employing the registrant in conjunction with the calling program;

B. Whether calls are to be made from within the State; and

C. If calls are to be made from within the State:

(1) The name, address and telephone number of the local manager or representative;

(2) The address and telephone number of the location from which the calls are made;

(3) Whether the equipment to be used is a type approved by the Federal Communications Commission;

(4) The number of lines used;

(5) The projected duration of the calling program;

(6) The days of the week and hours of operation; and

(7) The name, address and telephone number of a Maine-based legal representative of the calling organization.

Changes to the registration information or discontinuance of the calling program must be reported to the Secretary of State within 30 days.

The automated telephone calling device used for making the calls subject to this chapter must be of a type approved by the Federal Communications Commission.

The Secretary of State may charge a fee sufficient to cover the cost of registration. The Secretary of State shall, pursuant to Title 5, chapter 375, adopt rules to carry out the purposes of this chapter, including the period for which registration is valid.

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.

See title page for effective date.

## CHAPTER 776

S.P. 806 - L.D. 2069

### An Act to Allow the Maine State Employees Health Insurance Program to Self-insure Health or Dental Insurance

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

**Sec. 1. 5 MRSA §285**, as amended by PL 1989, c. 443, §6; c. 483, Pt. A, §8; and c. 502, Pt. A, §12, is further amended to read:

#### §285. Group health plan

~~Group accident and sickness or~~ A group health insurance plan is available to state employees, subject to the following provisions:

**1. Eligibility; generally.** The following persons are eligible for a group ~~accident and sickness or~~ health insurance plan:

A. Each appointed or elective officer or employee of the State who is eligible for membership in the Maine State Retirement System, Maine Legislative Retirement System or the State Police Retirement System;

B. Any member of the judiciary or workers' compensation ~~commissioner~~ commission;

D. Any employee of the Maine State Employees Association;

E. Any employee of Council 74 of the American Federation of State, County and Municipal Employees;

F. Any employee of the Maine Turnpike Authority;

F-1. Any employee of the Maine Technical College System;

F-2. Any employee of the Maine Maritime Academy; and

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F-1 who:

(1) On April 26, 1968, have retired and who were covered under group health plans of ~~insurance~~ which by virtue of Public Law 1967, chapter 543, were terminated;

(2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group ~~accident and sickness or~~ health ~~insurance~~ plan as an employee;

(3) After December 2, 1986, and after reaching normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42. This paragraph shall also apply to former members who were members on December 2, 1986; or

(4) After December 2, 1986, and not yet normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State