

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the matter is scheduled for hearing. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board, and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. At its discretion, the board may allocate all costs to a party that presents a frivolous complaint or defense or that commits a blatant violation of the applicable collective bargaining law. When the board meets on administrative or other matters that do not concern the interests of particular parties or when any board member presides at a prehearing conference, the members' per diem and necessary expenses must be paid from the board's regular appropriation for these purposes. The executive director and legal or professional personnel employed by the board are members of the unclassified service.

Sec. 2. Application. This Act applies to all appointments and reappointments to the Maine Labor Relations Board, pursuant to the Maine Revised Statutes, Title 26, section 968, of members and alternates commencing after the effective date of this Act.

See title page for effective date.

**CHAPTER 185
S.P. 89 - L.D. 277**

An Act To Ban Telephone Solicitations Using an Artificial or Prerecorded Voice and Enhance Caller Identification

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

Sec. 1. 10 MRSA §1498, sub-§1, ¶A-1 is enacted to read:

A-1. "Misleading or inaccurate caller identification information" includes, to the extent consistent with federal law, blocked caller identification information.

Sec. 2. 10 MRSA §1498, sub-§2, as enacted by PL 1989, c. 775, is amended to read:

2. Prohibition. A person may not use an automated telephone calling device or an artificial or prerecorded voice 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; or

D. Any residential telephone number within the State.

Sec. 3. 10 MRSA §1498, sub-§6, as enacted by PL 1989, c. 775, is amended to read:

6. Exceptions. This section does not prohibit the use of an automated telephone calling device or an artificial or prerecorded voice 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 or call using an artificial or prerecorded voice is directed; ~~or~~

C. Carry out the duties of any state or local governmental unit; or school administrative unit or private school;

D. Deliver an emergency message by a governmental entity;

E. Deliver information with the prior, written, express consent of the recipient of the call; or

F. Communicate with a business about reservations, purchases and other information for customers such as hours of operation, directions and merchandise availability.

Sec. 4. 10 MRSA §1499-A, sub-§1, ¶D, as enacted by PL 2003, c. 70, §1 and affected by §2, is amended to read:

D. "Telemarketing" means a plan, program or campaign that is conducted by use of one or more telephones or other telecommunications services, including interconnected voice over Internet protocol and text messaging, to induce the purchase of goods or services or a charitable contribution and that involves more than one intrastate telephone call. "Telemarketing" does not include the solicitation of sales through the mailing of a cata-

log that contains a written description or illustration of the goods or services offered for sale, the business address of the seller and multiple pages of written material or illustrations, and that is issued not less frequently than once a year, if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders without further solicitation. For purposes of this paragraph, ~~the term~~ "further solicitation" does not include providing the customer with information about, or attempting to sell, any other item included in the same catalog that prompted the customer's call or in a substantially similar catalog.

Sec. 5. 10 MRSA §1499-A, sub-§2, as enacted by PL 2003, c. 70, §1 and affected by §2, is repealed and the following enacted in its place:

2. Prohibition. It is an unfair trade practice, as prohibited by Title 5, section 207 and enforced by the Office of the Attorney General, for a seller or telemarketer to cause any caller identification services to transmit misleading or inaccurate caller identification information with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value.

Sec. 6. 10 MRSA §1499-A, sub-§3, as enacted by PL 2003, c. 70, §1 and affected by §2, is repealed.

Sec. 7. 10 MRSA §1499-A, sub-§4 is enacted to read:

4. Exception. It is not a violation of subsection 2 for:

A. A seller or telemarketer to substitute for the name and telephone number used in or billed for making the call:

(1) The name of the seller or charitable organization on whose behalf the telemarketing call is placed; or

(2) The seller's or charitable organization's customer or donor service telephone number that is answered during regular business hours; or

B. A telecommunications carrier, as defined in 47 United States Code, Section 153(51), to provide telecommunications service, as defined in 47 United States Code, Section 153(53).

See title page for effective date.

CHAPTER 186 H.P. 127 - L.D. 145

An Act Regarding the Membership of the Wild Blueberry Commission of Maine

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

Sec. 1. 36 MRSA §4312, 2nd ¶, as enacted by PL 1983, c. 836, §9, is amended to read:

Current members of the advisory committee shall continue to serve for the duration of their current appointments. New appointments to the advisory committee shall must be for terms of 4 years, and no appointee may be eligible for reappointment until the lapse of one year from the expiration of a previous appointment members may be reappointed for additional terms.

Sec. 2. 36 MRSA §4312-C, sub-§1, ¶D is enacted to read:

D. An employee of the commission who leaves commission employment may not be a paid lobbyist as defined by Title 3, section 312-A, subsection 10 for a wild blueberry business for a period of one year after leaving commission employment.

Sec. 3. 36 MRSA §4312-C, sub-§2, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

2. Appointment. Appointments to the commission are made by the Commissioner of Agriculture, Conservation and Forestry. The commissioner shall call for and consider nominations for grower representative appointments to the commission from the wild blueberry grower community in the State. The commissioner shall call for nominations by January 15th of any year in which a grower representative term will expire and shall announce the call for nominations at a statewide agricultural trade show held in Augusta in January.

Sec. 4. 36 MRSA §4312-C, sub-§3, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

3. Membership. The commission consists of 10 members who are active in and representative of the wild blueberry industry, appointed by the Commissioner of Agriculture, Conservation and Forestry.

A. Five members must be grower representatives. For the purposes of this section, "grower representative" means a person, firm, partnership, association or corporation engaged in the growing of