

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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

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

SUMMARY

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