

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 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-§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C. Any unlisted, unpublished, toll-free long distance or direct inward dial telephone number within the State; or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. 2. 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; or

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

Sec. 3. 10 MRSA §1499-A, sub-§2, as enacted by PL 2003, c. 70, §1 and affected by §2, is repealed and the following enacted in its place: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. Except as provided in subsection 3, it is an unfair trade practice, as prohibited by Title 5, section 207, for a seller or telemarketer to:

- A. Fail to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call; or
- B. Cause misleading information to be transmitted to users of caller identification services or to otherwise misrepresent or disguise the origin of the telephone solicitation call.

SUMMARY

This bill makes it an unfair trade practice for a telemarketer to misrepresent the telemarketer's phone number when making a solicitation. It also prohibits the use of prerecorded or artificial voices by telemarketers. It also provides that the current exceptions to the prohibition against using an automated telephone calling device also apply to the use of an artificial or prerecorded voice and provides additional exceptions for public and private schools, emergency messages by governmental entities and calls made to deliver information with the prior express written consent of the recipient of the call.