

Maine Public Utilities Commission

Report Pursuant to Public Law 2023, chapter 144



**Submitted to the Joint Standing Committee on
Energy, Utilities and Technology**

January 16, 2024

I. Introduction

During the First Special Session of the 131st Legislature, [Public Law 2023, chapter 144](#) (Act)¹ was enacted with an effective date of October 25, 2023. The Act updates Maine law in two main ways.

First, the Act requires Interconnected Voice over Internet Protocol (I-VoIP) providers to register with the Maine Public Utilities Commission (Commission). The Commission has determined that using its online Case Management System (CMS) is the best way for I-VoIPs to inform the Commission of their contact information as well as the best method for receiving requests for initial and growth numbering resources. The notification requirement is already required under federal rules, but the update to Maine law clarified how the process should be managed. This registration process is not uncommon in other states.

Second, the Act requires all voice network service providers (VNSPs) using numbers placed in service for the State's numbering plan area (the 207-Area Code) to contribute to the Maine Universal Service Fund (MUSF) and the Maine Telecommunications Education Access Fund (MTEAF).² The Act makes clear that the VNISP that originally requested numbering resources from the North American Numbering Plan Administrator (NANPA) is responsible for remitting contributions to the MUSF and MTEAF so long as the numbers placed in service have been assigned to an end user customer of the VNISP and the number is capable of receiving voice traffic from, or originating voice traffic to, the public switched telephone network.

The MUSF helps ensure that Maine residents and businesses, particularly in rural areas of the state, receive telephone service at reasonable rates. The MUSF also provides support for other services such as the Telecommunications Relay Services (TRS), Communications Equipment Fund (CEF), Blind and Visually Impaired News Access Fund, and the Public Interest Payphone (PIP) program. Meanwhile, the MTEAF provides support for the Maine School and Library Network (MSLN). The MSLN has been in operation since 1996 and provides support for internet access to approximately 950 schools and libraries statewide. The programs that the MUSF and MTEAF support are all outlined in statute.

The Act is putting Maine into a better position to ensure compliance by all VNSPs to support the MUSF and MTEAF funds and the services they provide. The Commission notes that while most VNSPs are working to comply with the Act some challenges remain, and the goals of the Act have not yet been met. If not addressed, these challenges may impair the goals of the Act to bring equity to the collection of the MUSF and MTEAF Fees, which right now fall disproportionately on traditional Maine consumers and a cross section of companies who are in compliance with the law.

In addition, the Commission will explore options to simplify compliance with the MUSF,

¹ LD 396, An Act To Preserve the 207-Area Code and Impede So-called Robocalling

² A voice network service provider means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network and includes a provider of interconnected voice over Internet protocol service required to register with the commission pursuant to section Title 35-A §7110, subsection 2.

MTEAF and the E-9-1-1 surcharge. Combined, these efforts will help reduce robocalling and help extend the life of the 207-Area Code. The combined efforts of policy makers, the Commission, and VNSPs to date has extended the life of the 207-Area Code to October 2032.

In this report, the Commission explores several actions that can be undertaken to complement its existing efforts to preserve the 207-Area Code, including the following:

- Improving compliance with the remittance of fees by VNSPs to the MUSF and MTEAF;
- Opening a proceeding at the Commission to explore the elimination of the cap on 25 lines or numbers per customer billing account in Title 35-A §7104-B and in Chapter 285 and Chapter 288 of the Commission’s rules; and
- Amending 10 M.R.S. § 1499-B to require telephone solicitors to check not only the Do Not Call Registry, but also the Federal Communications Commission’s Reassigned Numbers Database in order to further prevent robocalling.

Undertaking these efforts will not only accomplish the original goals of the Act, but will greatly decrease robocallers, or those that assist in the facilitation of robocalling from doing business in Maine.

II. Responses to the Act’s Reporting Requirements

The Act requires the Commission to address the following in its report:

1. Include a summary of the compliance by voice network service providers, as defined in the Maine Revised Statutes, Title 35-A, section 7104, subsection 1-A, paragraph E, with the requirements of sections 7104 and 7104-B;
2. Contains an update of the commission's effort to preserve the 207-Area Code; and
3. Includes an analysis of whether additional efforts could be taken to ensure numbering resources, as defined in section 7104, subsection 1-A, paragraph D, are used efficiently.

The Act specifies that the report may include recommendations for any legislation and provides the Committee with the authority to report out a bill related to the report.

1. Include a summary of the compliance by voice network service providers, as defined in the Maine Revised Statutes, Title 35-A, section 7104, subsection 1-A, paragraph E, with the requirements of sections 7104 and 7104-B;

IVoIP Compliance with Maine Registration Requirement

On October 19, 2023, MPUC Staff informed all IVoIP providers known to operate in Maine that receive direct access to numbering resources from the FCC of their upcoming deadline to register with the Commission.³ While some providers were already registered in the Commission’s CMS, others were not. Staff worked with providers via phone and email to assist them with their registration. Unfortunately, one company, Fractel, LLC, verbally informed the Commission that it would not comply with the new law by completing the registration process in CMS and with

³ See Appendix A (Email to I-VoIPs)

Solix for the remitting of fees to the MUSF and MTEAF funds. Solix is currently the third-party administrator for the MUSF and MTEAF funds. All VNSPs are required to work with Solix to remit their assessed fees.

The following table indicates the I-VoIPs that have complied with Maine’s new registration requirement.

Provider	IVoIP Registered with MPUC
Telnyx	2023-00287
Vonage Holdings, Corp.	2022-00125
Commio, LLC	2023-00295
HD Carrier, LLC	2023-00292
Twilio International, Inc.	2021-00376
Brightlink	2022-00334
Ton80 Communications	2023-00297
Terra Nova Telecom, Inc.	2023-00309
Comcast Phone of Maine	2021-00300
Maxsip Telecom Corporation	2021-00355
Callworks	2023-00211
NUSO, LLC	2023-00215
FracTel, LLC	IVoIP is Not in Compliance with Title 35-A MRSA §7110

Source: <https://www.maine.gov/mpuc/regulated-utilities/telecom/programs/area-code/ivoip/providers>

The new registration requirement is important for the Commission’s work because while, to the Commission’s knowledge, there are only 13 I-VoIPs currently doing business in Maine, the FCC has received 165 applications from providers seeking direct access to numbering authority. Currently, 115 I-VoIPs have been approved to receive numbering resources, and there is nothing prohibiting all of those companies from using numbering resources in Maine.

Meanwhile, just weeks before the Act became effective in October, the FCC deliberated on new rules impacting IVoIP providers. In that proceeding, the FCC recognized the authority of states like Maine to enforce registration requirements on IVoIP providers just as they might for any other business engaging in commerce in their state.

Our revised rule today concerns state laws, regulations and registration requirements applicable to them as businesses operating in a given state, separate from any Commission delegation of numbering authority. We are not delegating any new numbering authority to the states here. Rather, the purpose is to make plain that direct access applicants must acknowledge that their authorization is contingent on complying not only with state requirements issued under delegated numbering authority, but also with other independently applicable state obligations, such as registration requirements,

that would apply to them as businesses operating in the state.⁴

The FCC’s statement in its order recognizes that Maine has independent authority under State law to require a registration process for I-VoIPs in tandem with any numbering rules it administers. In addition, the FCC also noted that IVoIP providers not complying with independently applicable state requirements could be denied access to numbering resources by NANPA.⁵ However, the FCC’s order fell short of making some requirements retroactive for existing IVoIP providers. An additional proceeding is currently underway seeking to address those issues.

Compliance with Third Party MUSF and MTEAF Administrator

The Act now requires VNSPs who place telephone numbers in service to contribute to the MUSF and MTEAF funds. As previously mentioned, Solix is currently the Commission’s third-party administrator that manages the collection of funds from VNSPs. The only way to maximize support for the MUSF and MTEAF is if all VNSPs contribute.

As of January 4, 2023, nine out of 13 known IVoIP providers in Maine have not completed their registration with Solix. Out of the four companies that are registered, only three are contributing to the MUSF and MTEAF funds.

Provider	Registered with Solix
Telnyx	No
FracTel, LLC	No
HD Carrier, LLC	No
Twilio International, Inc.	No
Brightlink	No
Ton80 Communications	No
Terra Nova Telecom, Inc.	No
Maxsip Telecom Corporation	No
Callworks	No
Vonage Holdings, Corp.	Yes
Commio, LLC	Yes
Comcast Phone of Maine	Yes
NUSO, LLC	Yes

The Commission believes that the reluctance of some IVoIP providers to comply with Maine Law is due to a belief that their companies are nomadic.⁶ This argument is often cited in federal

⁴ [FCC Second Report and Order and Second Further Notice of Proposed Rulemaking Adopted September 21, 2023 Paragraph 48](#)

⁵ [FCC Second Report and Order and Second Further Notice of Proposed Rulemaking Adopted September 21, 2023 Paragraph 53](#)

⁶ A “nomadic,” as opposed to “fixed,” IVoIP provider is one where the telephone service provided is not tied to a fixed physical address.

filings. The Commission questioned one IVoIP company about why they weren't complying with Maine's new law and they said that they neither have business or customers in Maine, so they don't believe Maine has any jurisdiction over them. As a result, they believe they do not need to comply with either the 30-day notice requirement or with the State's MUSF or MTEAF contribution requirements. This statement brings into question why this company or any other like it needs numbers from the 207-Area Code if they don't have customers or business in Maine.

2. Contains an update of the commission's effort to preserve the 207-area code.

When the Commission testified at the public hearing for LD 396 on March 7, 2023, the projected exhaust date for the 207-Area Code was the First Quarter of 2027. Since that time, two more revisions to Maine's area code exhaust have been announced. Based on current information available from the NANPA, Maine's 207-Area Code now stands to exhaust in the Fourth Quarter of 2032. This extension is in part due to the steadfast commitment to 207-Area Code preservation by the Commission and stakeholders.

There are many complex rules and procedures governing how numbering resources are allocated to VNSPs. The Commission continues to work with the FCC, NANPA, and VNSPs to make the best use of finite telephone number resources. Some of these measures include requesting that VNSPs return unused or underutilized numbers back to the 207 numbering pool. Currently, the Commission is working with VNSPs on a short-term solution to help for number conservation called the "voluntary transfer of a thousand-block" and rate center consolidation.

Voluntary Transfer of a Thousands-Block

Traditionally, VNSPs receive telephone numbers in blocks of one thousand numbers at a time. FCC rules allow for VNSPs to use contaminated blocks or blocks that have less than one hundred numbers in use. However, if one hundred or more numbers are in use then the block is considered highly contaminated. In that case, no numbers in the block are allowed to be used by another VNSP even if the original block holder does not need the number anymore.

In the past year, the Commission has pioneered a technique that has not previously been utilized by state commissions called the "voluntary transfer of a thousands-block." Commission Staff work closely with VNSPs who need telephone numbers in one community with another VNSP that has those resources. These companies wouldn't normally know that the other provider has extra resources it could share so Commission Staff work as a facilitator to reduce the consumption of telephone numbers when they are not needed.

The Commission Staff believes that this process has helped conserve of at least 150,000 numbers. Absent these efforts, the 207-Area Code's exhaust date would likely be 2028 rather than 2032.

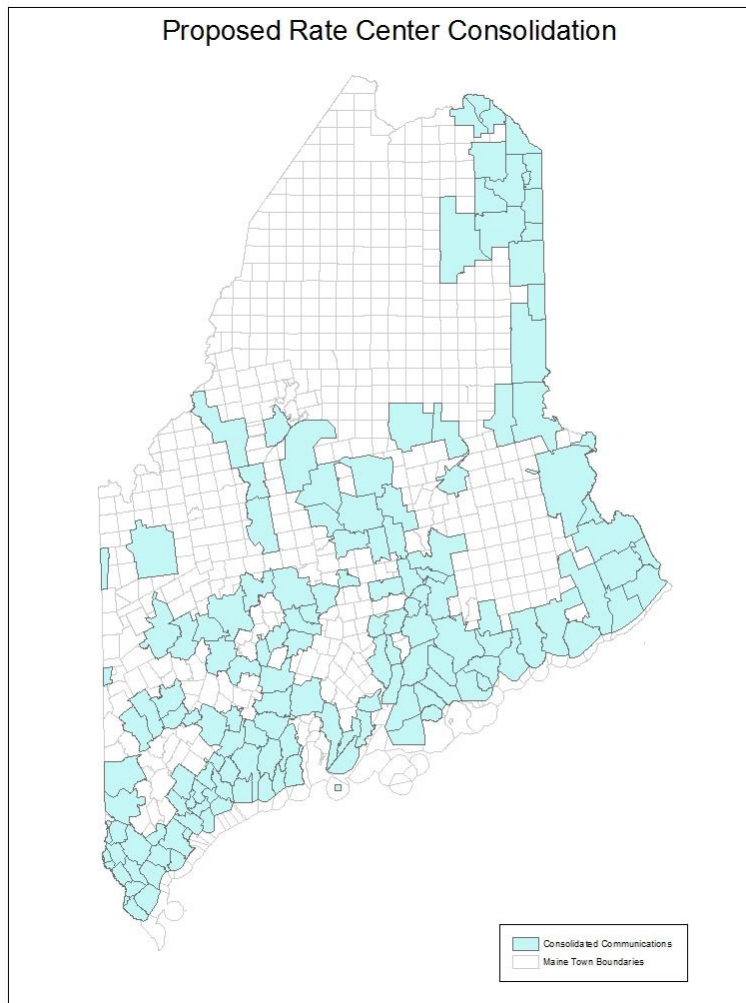
Rate Center Consolidation

One of the biggest drivers of area code exhaust is that Maine's area code has 249 rate centers.

Rate centers are the geographical areas used to disburse large blocks of telephone numbers to VNSPs, and every telephone number is tied to a specific geographic rate center. A VNSP can request blocks of numbers in any rate center that it plans to provide service and currently there are 66 VNSPs actively requesting telephone numbers.

When a rate center runs out of available numbering resources, new sets of 10,000 numbers need to be ordered and issued for that rate center, even if the rate center actually needs fewer numbers. The more of these 10,000 number sets that are issued, the quicker an area code moves to exhaust. One method used to extend the life of area codes in the past has been to combine rate centers together. Ideally, rate center consolidation (RCC) combines a rate center with unused resources with a rate center with no resources.

The Commission, in cooperation with Consolidated Communications (Consolidated), has opened an investigation to determine the feasibility of large scale RCC.⁷ Under the current proposal by Consolidated, roughly 135 rate centers (highlighted in blue below) would be combined into one single rate center.



⁷ Docket 2023-00009, Commission Initiated Investigation into the Feasibility of Rate Center Consolidation Pertaining to Consolidated Communications

Consolidated has proposed a timeline for RCC to be completed by 2025 unless there are any major issues that are raised. If successful, this would free up hundreds of thousands of numbers for use anywhere in the blue shaded areas above, and, as a result, the Commission believes that Maine’s area code could be extended for years to come.

3. Includes an analysis of whether additional efforts could be taken to ensure numbering resources, as defined in section 7104, subsection 1-A, paragraph D, are used efficiently.

The Maine Legislature, the Commission, and concerned stakeholders have taken tremendous steps to extend the life of the 207-Area Code. Some of these efforts include:

- Asking VNSPs to donate back large blocks of numbers that are not being used;
- Pioneering a process to work with providers to voluntary transfer over contaminated blocks to one another; and
- Working with Maine’s largest telecommunications provider to collapse 135 rate centers into one.

While the Commission’s efforts to extend Maine’s area code were initially based on the premise that Maine was experiencing tremendous growth in the assignment of telephone numbers through traditional uses such as cell phones and landline phones, the reality is that the surge in the assignment of telephone numbers is now being driven by an inefficient use of numbering resources by some VNSPs and robocalling.

Inefficient Use of Numbering Resources

The FCC has strong rules about how numbering resources should be used in order to maximize their availability. Unfortunately, some VNSPs are failing to follow the rules and are taking advantage of finite numbering resources. In some cases, VSPNs are over-forecasting their requests for blocks of numbers, contaminating blocks of numbers so another provider can’t use them, and failing to properly update inventory reports on how many blocks of numbers they have. Combined, these actions contribute to the tying up of numbering resources which in turn causes other providers to request more and contribute to the death spiral of an area code.

Ultimately, the Commission observes that some providers are not following the FCC’s rules. This creates an unfair dichotomy between the rule followers and the rule breakers. In its own numbering rules, the FCC has the ability to conduct “for cause” audits of VNSPs.⁸ Unfortunately, audits are infrequent, and most industry experts believe the FCC has not conducted an audit for at least ten years. The Commission, along with other commenters, recently advocated for an audit process in a recent filing to the FCC.⁹ While there may be some VNSPs that do not follow the rules because they believe there will be no enforcement against them, others may be deliberately not complying because they are engaged in illegal robocalling.

⁸ [47 CFR 52.15\(k\)](#)

⁹ [Maine Public Utilities Commission Reply Comments on Further Notice of Proposed Rulemaking at Page 4](#)

Robocalling

Due to recent changes in federal rules by the FCC, it is now harder (but not impossible) for bad actors to engage in robocalling schemes. Previously, robocallers utilized techniques like faking legitimate telephone numbers (a process called “spoofing”) to trick unsuspecting consumers and businesses into scams. Newer call authentication rules that have been implemented make it nearly impossible to spoof calls.

To get around these call authentication rules, robocallers seek out VNSPs who are wholesale providers of telephone numbers. The Commission believes that VNSPs wholesaling telephone numbers are IVoIP companies and competitive local exchange carriers (CLECs). While the Commission has regulatory authority over CLECs, it has no regulatory authority over I-VoIPs under Maine law with the exception of its number authority granted by the Telecommunications Act and FCC rules.¹⁰

While the Commission has limited tools at its disposal to currently stop robocalling, it can trace an illegal robocall back to the VNSP that was initially issued the number from the 207-Area Code. In addition, as the Commission has sought to enforce requirements on VNSPs to contribute to the MUSF and MTEAF, we have learned from some providers the lengths of their efforts to wholesale numbers. One provider indicated that it had a single customer with 50,000 Maine telephone numbers in one call center, but that the customer only used 100 numbers at a time. While the Commission appreciates the open dialogue with this provider, the Commission also believes that this company’s actions may be at best an abuse of finite numbering resources or at worst a facilitator of robocalling. An FCC audit of this company would be the only way to truly know.

In other comments filed at the FCC, David Frankel from ZipDX LLC shares in more detail how wholesalers of telephone numbers engage in robocalling activities. According to Mr. Frankel, “the biggest interplay between numbering resources and robocalling is the practice of automatic number identification (ANI) rotation or number rotation.”¹¹ Mr. Frankel explains that “ANI rotation is a practice employed by volume callers whereby instead of using a single outbound calling number (caller-ID or ANI) they instead call from many (dozens, hundreds, thousands) of different numbers.”¹² Mr. Frankel further states that one of the main reasons for choosing volume calling is that the spam call may not be blocked. He also points to the practice of an inbound spam call coming from a nearby number or community. Simply put, people are more likely to answer a call from a number they believe is from a nearby community.

Maine is not alone facing these challenges with companies that are wholesaling telephone numbers and helping to facilitate robocalling. Every state and the District of Columbia are experiencing the same challenges, but Maine is acutely tuned into these issues as we work to preserve our single area code. Our neighboring state, New Hampshire, also has a single area code and for years has worked, like Maine, to forestall area code exhaust. Now, the 603 area code is slated to exhaust in 2027. Governor Sununu has issued an Executive Order to try to forestall

¹⁰ <https://www.mainelegislature.org/legis/statutes/35-A/title35-Asec7234.html>

¹¹ [Reply Comments of ZipDX LLC](#) at Page 1

¹² [Reply Comments of ZipDX LLC](#) at Page 2

603's exhaust.¹³ The Commission is providing technical advice and sharing what we have learned and done to extend our area code with New Hampshire. Unfortunately, the overarching problem of wholesale providers of telephone numbers helping to facilitate robocalling remains a paramount concern for every state.

Payments to Support the MTEAF and MUSF

The Commission has identified major loopholes in current regulations that are allowing some VNSPs to evade paying their fair share to the MUSF and MTEAF programs. The Commission has engaged with one IVoIP company that said it had one customer billing account with 50 thousand Maine telephone numbers for a call center. The company believes that under the MTEAF statute and the MTEAF rule that the company is only responsible to pay \$5.25 (21 Cents x 25 Line Cap Per Customer) because all 50,000 Maine telephone numbers are being billed to one customer billing account and current rules only require payment on the first 25 lines per customer.¹⁴ Comparatively, there are about 50,000 people between the cities of Bangor and Augusta. Under the current scenario, all 50,000 people with a telephone number in those cities would pay the full MTEAF fee on their phone bill (which would amount to \$10,500), but this out-of-state call center would only pay fees on the first 25 lines.

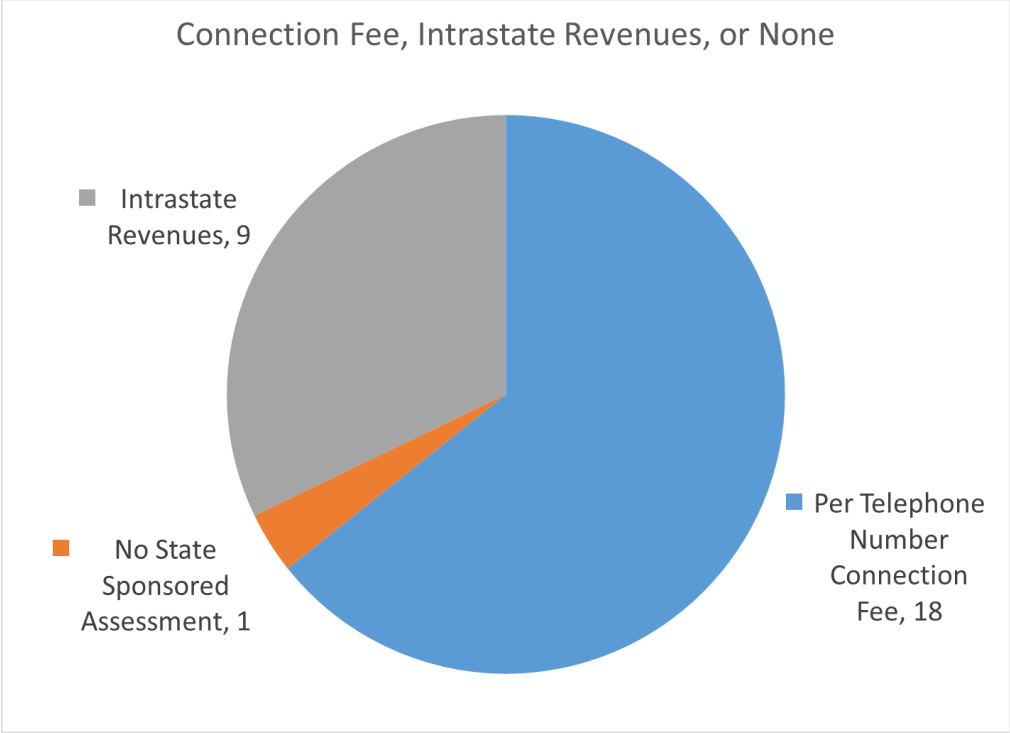
Similarly, the MUSF fund has a 25-line cap per active billing account number in the Commission's MUSF rule, but not in statute.¹⁵ In the above scenario, the customer with 50,000 Maine telephone numbers would only be contributing \$11 to the MUSF, but still be using a large number of telephone number resources.

To learn how other state commissions fund and support state universal service funds, 9-1-1, and other similar programs, Commission Staff conducted a survey with state regulatory staff. Twenty-eight states (including the District of Columbia) responded to the survey. While not all states have the same programs as Maine, the survey results explain how the states have a 9-1-1 program, USF fund, or some other similar program to support those funds.

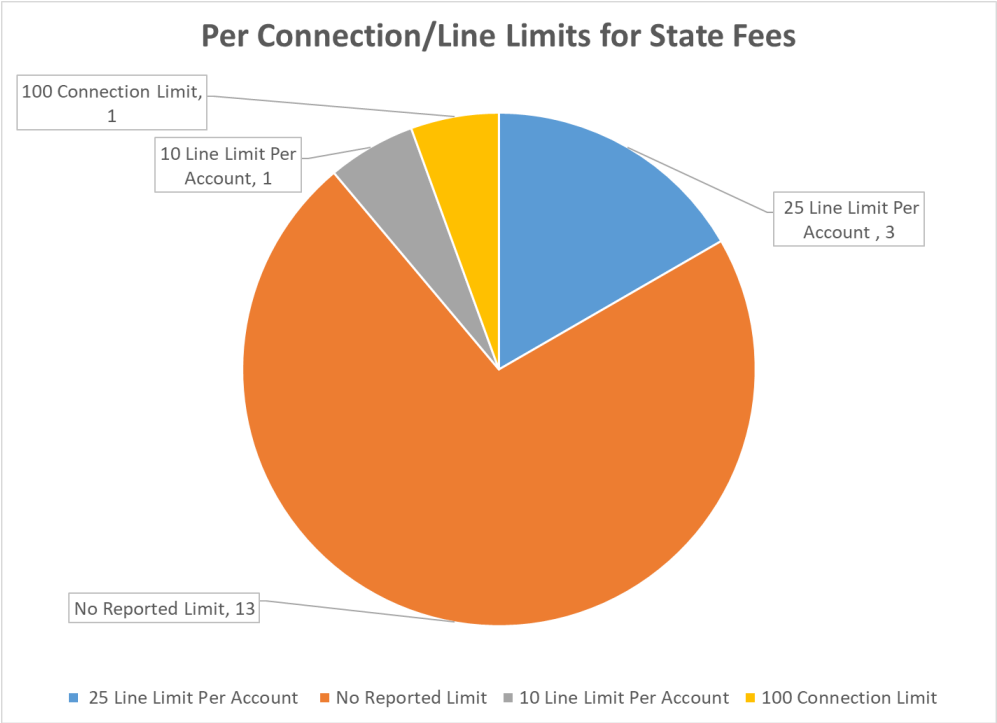
¹³ [An Order Establishing the "Don't Overload the Code" Initiative to Extend the 603 Area Code and to Prepare New Hampshire Businesses for the Eventuality of an Additional Area Code.](#)

¹⁴ <https://www.mainelegislature.org/legis/statutes/35-A/title35-Asec7104-B.html>

¹⁵ <https://www.maine.gov/sos/cec/rules/65/407/407c288.docx>



Based on the results, at least 18 states collect fees for either a 9-1-1 program, USF, telecommunications relay services or another fund using a per telephone number or connection method. Out of those 18 states that reported a per connection or line fee, 13 reported no limit per billing account.



To bring Maine more in line with how other states collect fees for these important services, the Commission plans to open a proceeding to explore the removal of the 25-line cap per billing account number. The Commission contemplated recommending in this report that the MTEAF statute be amended to remove the cap; however, the Commission would like to explore this further to have better understanding of any possible impacts this change may have on Maine businesses and organizations that have many lines in use. The Commission would also explore in this proceeding the removal of the 25-line cap per billing account number from the Emergency Services Communication statute to synergize the reporting and collection methods carriers all participate in.¹⁶ If, at the conclusion of the proceeding, the Commission determines that either the cap should be removed or the line cap increased, the Commission will propose this action in a Commission initiated bill during the 132nd Legislature. If enacted, the Commission could then open new rulemakings for the MUSF and MTEAF rules to bring them in line with how most other states [that we are aware of] are now assessing fees for services such as state universal service funds, telecommunication relay services and 9-1-1.

Modernize Maine’s Do Not Call List Statute for the 21st Century

Right now, Maine people can sign up to the National Do Not Call List to request that your telephone number does not receive unwanted telemarketing or spam calls.¹⁷ Maine also has its own telephone solicitation laws that prohibit unwanted telemarketing and spam calls.¹⁸ To further assist consumers from receiving unwanted calls, the FCC created the Reassigned Numbers Database (RND). The database became operational November 1, 2021, and is operated by Somos.gov. The RND is a database of disconnected telephone numbers that may have been reassigned to new customers.

The RND is intended for any entity or enterprise that calls or texts. Examples include appointment reminders, service renewals, prescription notifications, customer service notifications, and value-added service offers.

By checking the database first, callers can avoid calling/texting a number that has been reassigned to a new subscriber who has not given consent to be called – which is important because contacting without consent can open up a caller to TCPA (Telephone Consumer Protection Act) liability. Checking the RND database before making outreach can verify that a number is still associated with the intended recipient, and it is important to verify the consent and thereby provide the caller the safe harbor that the FCC defined as part of TCPA statute.

The Commission recommends updates to Maine’s telephone solicitation laws to include language that requires telemarketers to check the RND database to make sure that they are not calling a number that was reassigned to a new subscriber. Failing to check the database could mean that the telemarketer or caller could be violating the TCPA and calling a recipient that has no established relationship with the inbound caller.

¹⁶ <https://www.mainelegislature.org/legis/statutes/25/title25sec2927.html>

¹⁷ <https://www.donotcall.gov/>

¹⁸ <https://www.mainelegislature.org/legis/statutes/10/title10sec1499-B.html>

III. Recommended Legislation

The Act specifies that the report may include recommendations for any legislation and provides the Committee with the authority to report out a bill.

As described above the Commission will open a proceeding to explore the removal of the 25-line cap per billing account number under the MTEAF statute, the MUSF rules and the Emergency Services Communications statute. If the Commission determines that either the cap should be removed or the line cap increased, the Commission will propose this action in a Commission initiated bill during the 132nd Legislature.

The Commission does recommend an amendment to the existing statute related to Maine's telephone solicitation laws to include language that requires telemarketers to check the RND database to make sure that they are calling the correct person and not calling a number that was previously assigned to a different person. Draft legislation to capture this change can be found in Appendix B.

The Commission will continue its efforts to preserve the 207-Area Code and to bring parity to the fees paid into the MTEAF and MUSF.

Appendix A:
Email Communication Sent Regarding
I-VoIP Registration

From: [Johnson, Michael R](#)
To: [Johnson, Michael R](#)
Cc: [Marco, Jason](#)
Bcc: KELLEY@TNTELECOM.NET; meghan@commio.com;
info@quadtelecomconsulting.com; glenn@ton80com.com;
joani.oneill@sinch.com; numbering@telnyx.com; mike@fractel.net;
scott.allen@brightlink.com; phoua.xiong@brightlink.com; [Braley, David](#);
[McColman, Jordan](#); [Sarah Halko \(Telnex\)](#); [Mike Ray, MBA, CNE, CTE](#); [Linda Hymans](#); [Florence Weber \(Somos-PA\)](#); [Dara Flowers](#); [Cyr, Paula](#)
Subject: Upcoming I-VoIP Deadline to Register with the State of Maine Public Utilities Commission **Date:** Thursday, October 19, 2023 11:42:00 AM

Good Morning,

I am reaching out on behalf of the Maine Public Utilities Commission to inform you of an upcoming October 25, 2023 statutory deadline to register your Interconnected Voice over Internet Protocol (I-VoIP) company with the state of Maine.

Although your company may have provided the Maine Commission with 30-day notices or growth reports in the past, a new Maine law now requires I-VoIPs to register with the Commission and file 30-day notices, growth reports, and updated contact information.

Since this is your first time registering, we ask that you file any previous 30-day notices, growth request notices, and your current contact information in your case file. Once you have registered, please use this docketed case file to provide future notices on block growth requests as well as changes in your numbering or regulatory contacts.

Full details about how to register may be found at the link below.

<https://www.maine.gov/mpuc/regulated-utilities/telecom/programs/area-code/ivoip>

If you have any questions, please don't hesitate to reach out.

Thanks,
Michael

Michael R. Johnson
Maine Public Utilities Commission
Utility Analyst
Phone: 207.287.1572
michael.r.johnson@maine.gov

Appendix B: Draft Legislation

Draft Legislation

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

Sec. 1. 10 MRSA §1499-B, sub§1, ¶D-2 is enacted to read:

D-2. “Reassigned numbers database” means a database created and maintained by the Federal Communications Commission that identifies telephone numbers that were previously assigned to other consumers and was created to prevent a consumer from receiving an unwanted telephone call when that call was intended for a consumer who previously held that telephone number.

Sec. 1. 10 MRSA § 1499-B, sub-§6 is amended to read as follows:

6. Telephone solicitation violations. It is a violation of this section for a telephone solicitor to initiate a telephone sales call to a consumer if that consumer's telephone number has been on the national or state do-not-call registry, established by the Federal Trade Commission, for at least 3 months prior to the date the call is made and fails to use the reassigned numbers database. A telephone solicitor is not liable for violating this section if the telephone solicitor can demonstrate that:

A. As part of the telephone solicitor's routine business practice, the telephone solicitor has established and implemented written procedures to comply with this section;

B. As part of the telephone solicitor's routine business practice, the telephone solicitor has trained its personnel, and any entity assisting in its compliance, in the procedures established pursuant to paragraph A;

C. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor has recorded and maintained a list of telephone numbers the telephone solicitor may not contact;

D. As part of the telephone solicitor's routine business practice, the telephone solicitor uses a process to prevent telemarketing to any telephone number on any list established pursuant to paragraph C or on the national do-not-call registry, employing a version of the national do-not-call registry obtained from the Federal Trade Commission no more than 31 days prior to the date any call is made, and maintains records documenting this process;

E. As part of the telephone solicitor’s routine business practice, the telephone solicitor or another person or entity acting on behalf of the telephone solicitor monitors and enforces compliance with the procedures established pursuant to paragraph A;

F. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor monitors and enforces compliance with the procedures established pursuant to paragraph A; ~~and~~

- G. Any subsequent call otherwise violating this section is the result of error-; and
- H. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor uses the reassigned numbers database.

SUMMARY

This bill amends the law related to telephone solicitation to require that a telephone solicitor to utilize the Federal Communications Commission's reassigned numbers database before initiating a telephone sales call to a consumer.