

§1499-A. Telemarketing; prohibition on number blocking

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

A. "Caller identification service" means a service that allows a telephone subscriber to have the telephone number and, where available, name of the calling party transmitted contemporaneously with the telephone call and displayed on a device in or connected to the subscriber's telephone. [PL 2003, c. 70, §1 (NEW); PL 2003, c. 70, §2 (AFF).]

B. "Seller" means any person who, in connection with a telemarketing transaction, provides, offers to provide or arranges for others to provide goods or services to the customer in exchange for consideration. [PL 2003, c. 70, §1 (NEW); PL 2003, c. 70, §2 (AFF).]

C. "Telemarketer" means any person who, in connection with telemarketing, initiates or receives telephone calls to or from a customer or donor. [PL 2003, c. 70, §1 (NEW); PL 2003, c. 70, §2 (AFF).]

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. "Telemarketing" does not include the solicitation of sales through the mailing of a catalog 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, "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. [PL 2019, c. 185, §4 (AMD).]

[PL 2019, c. 185, §4 (AMD).]

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.

[PL 2019, c. 185, §5 (RPR).]

3. Exception.

[PL 2019, c. 185, §6 (RP).]

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 [PL 2019, c. 185, §7 (NEW).]

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). [PL 2019, c. 185, §7 (NEW).]

[PL 2019, c. 185, §7 (NEW).]

SECTION HISTORY

PL 2003, c. 70, §1 (NEW). PL 2003, c. 70, §2 (AFF). PL 2019, c. 185, §§4-7 (AMD).

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