

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 Protect the Privacy of Cellular Telephone Customers

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

Sec. 1. 35-A MRSA c. 93 is enacted to read:

CHAPTER 93

Cellular telephone customer privacy act

§ 9201. Short title

This chapter may be known and cited as "the Cellular Telephone Customer Privacy Act."

§ 9202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Customer proprietary network information. "Customer proprietary network information" has the same meaning as in 47 United States Code, Section 222(h)(1).

2. Telecommunications carrier. "Telecommunications carrier" has the same meaning as in 47 United States Code, Section 1153(44).

3. Wireless telephone service. "Wireless telephone service" means any form of wireless telephone service, including cellular telephone service, broadband personal communications telephone service, covered specialized mobile radio service and any successors to such services.

4. Wireless telephone service provider. "Wireless telephone service provider" means a telecommunications carrier that provides wireless telephone service.

§ 9203. Sale or disclosure of customer proprietary network information

1. Prohibition. A person may not sell or disclose or offer to sell or disclose any customer proprietary network information relating to the wireless telephone service account of any resident of the State.

2. Exception. The prohibition contained in subsection 1 does not apply to a disclosure of customer proprietary network information:

A. Authorized by:

(1) A law, regulation or rule;

(2) An order of an agency having regulatory authority over a wireless telephone service provider; or

(3) The wireless telephone service account holder; or

B. Required by a subpoena, warrant or other lawful process.

3. Penalty. A person who knowingly violates this section commits a Class C crime. Violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

SUMMARY

This bill prohibits a person from selling or disclosing or offering to sell or disclose records of telephone numbers called or telephone numbers from which calls were received and other information relating to the wireless telephone service account of a resident of Maine.