



Senator Justin M. Chenette
P.O. Box 315
Saco, Maine 04072
Office (207) 287-1515
Cell (207) 590-3266
Justin.Chenette@legislature.maine.gov

Chair, Government Oversight Committee

February 12, 2019

Testimony on LD 277: An Act To Ban Telephone Solicitations Using an Artificial or Prerecorded Voice and Enhance Caller Identification

Good morning:

Senator Herbig, Rep. Daughtry, and honorable members of the Innovation, Development, Economic Advancement and Business Committee. I'm Senator Justin Chenette, and I represent Saco, Old Orchard Beach, Hollis, Limington, and Buxton.

I'm here today to present LD 277, An Act To Ban Telephone Solicitations Using an Artificial or Prerecorded Voice and Enhance Caller Identification.

I don't think I'm alone in saying I receive about half dozen to a dozen calls daily from telemarketers and scammers. Most of the time they are robocalls and not from Maine based businesses. I'd be surprised if I don't receive one during this hearing.

A record-number 93 million robocalls were placed to Maine last year, according to data from call blocking company YouMail. Breaking that down per person...that's about 73 calls to every person in our state. 73 each.

Constituents can visit www.donotcall.gov to report unwanted calls, but it has become clear that the National Do Not Call List is not working. It's failing to protect consumers.

An important thing to note about the Do Not Call List—it can only theoretically stop sales calls.

You are still permitted to receive:

- political calls
- charitable calls
- debt collection calls
- informational calls
- telephone survey calls

Many companies are getting creative to use this loophole to make sales calls disguised as a different type of call. Robocalls are also under a different rules.

What can states do when the federal government can't even fix this problem? I would argue that states need to be integral partners in identifying and going after bad actors. Without this partnership, spammers and telemarketers will stop at nothing to continue harassing our constituents. When we think of this as consumer harassment issue instead of simply a marketing ploy, we can reframe the conversation around what can we do as a state to help remedy the situation.

Several states aren't waiting around for a solution. They are leading on this issue. We should join them.

The following is data provided from a Stateline article on the subject:

- Connecticut added criminal fines and penalties to the state's anti-robocall statute.
- In Massachusetts, a bill making its way through the Legislature would prohibit robocalls to mobile devices and impose penalties including fines starting at \$10,000 for each violation.
- In New Jersey, a bill urging the FCC to require landline and wireless telephone service providers to implement technology to block robocalls to customers, free of charge, is also working its way through the Legislature.
- A New York bill similarly would limit autodialed telephone calls to state residents and require telephone service providers to provide free "call mitigation technology."
- A Tennessee bill would hit robocallers with major fines if caught spoofing local phone numbers, totaling \$25,000 for each call made.
- In California, a new state bill would require companies to implement software on their lines, forcing robocall scammers to dial each number physically. In essence, this will block scammers from sending out mass messages.
- Montana already has an all out ban on political robocalls.

Any of these ideas would be great places to start for the discussion. I don't pretend to have all the solutions and yes enforcement is always a barrier, but we need to understand what our state response can be in conjunction with the federal government. Our constituents are expecting us to address this.

In speaking with experts that deal with installing phone systems, out of state companies are buying up 207 numbers by the thousands. These corporate entities should have to prove they are doing business within the state and that need actually need those numbers. They should be held responsible for the content. If they say they need 207 area code numbers for resale purposes, we need an understanding of that before the release of the 207 number.

When you block a spam number, they just autogenerate the next number they can use on their list. Anti-robocall and anti-spam technology is available, but at a cost. And even that isn't 100%. We are becoming a society who are afraid to answer the phone. So many people I know, let their phones ring, don't answer the phone, and let everything go to voicemail. It's impacting small businesses who rely on phone orders and inquires. I know for me, between my business and fielding constituent calls, I hate not to answer the phone, but with the quantity of telemarketing calls, I can't. Unless I recognize the number, I don't answer now.

We haven't even mentioned those who prey on our senior population via the phone. The elderly is being scammed out of some \$2.6 billion each year.

One way this is happening is called caller ID spoofing, where an out of state number is disguised as a local 207 number. People see the 207 number and think it's local, could be a neighbor, friend, or family member. You are more likely to answer the phone if it's a local number than not.

We need to put into Maine law that spoofing local numbers is an unfair trade practice and ban robocalls made to residents in the state. Through this bill process we will be having public discussions with state agencies and the Attorney General's office to determine what the best path forward is to protect consumers. Other state models can be potential ways for Maine to combat the daily barrage of unwanted phone calls.

I believe doing nothing isn't an option. We must try. I urge this committee to delve into this issue. Allow an opportunity to get a lay of the land of what we are capable of doing. At a bare minimum we need to direct state agencies to study implementation and enforcement of a tightening of the rules. Please don't ignore an issue that so many of our constituents have and no doubt you have had yourself.