CHAPTER 223-A

CELLULAR TELEPHONE CUSTOMER PRIVACY ACT

§1496-A. Short title

This chapter may be known and cited as "the Cellular Telephone Customer Privacy Act." [PL 2005, c. 582, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 582, §1 (NEW).

§1496-B. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2005, c. 582, §1 (NEW).]

1. Customer proprietary network information. "Customer proprietary network information" has the same meaning as in 47 United States Code, Section 222(h)(1) as in effect on January 1, 2006. [PL 2005, c. 582, §1 (NEW).]

2. Other customer proprietary information. "Other customer proprietary information" means any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer. [PL 2005, c. 582, §1 (NEW).]

3. Telecommunications carrier. "Telecommunications carrier" has the same meaning as in 47 United States Code, Section 153(44) as in effect on January 1, 2006. [PL 2005, c. 582, §1 (NEW).]

4. Wireless telephone service. "Wireless telephone service" means any mobile telecommunications services as defined in Title 35-A, section 102, subsection 9-A. [PL 2005, c. 582, §1 (NEW).]

5. Wireless telephone service provider. "Wireless telephone service provider" means a telecommunications carrier that provides wireless telephone service. [PL 2005, c. 582, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 582, §1 (NEW).

§1496-C. Sale or disclosure of customer proprietary network information

1. Civil violation. Except as provided in subsection 3, 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 wireless telephone service customer or user in this State or any other customer proprietary information of any wireless telephone service customer or user in this State.

A. Violation of this subsection constitutes a violation of the Maine Unfair Trade Practices Act. [PL 2005, c. 582, §1 (NEW).]

[PL 2005, c. 582, §1 (NEW).]

2. Criminal violation. Except as provided in subsection 3, a person may not knowingly sell or disclose or offer to sell or disclose any customer proprietary network information relating to the wireless telephone service account of any wireless telephone service customer or user in this State or any other customer proprietary information of any wireless telephone service customer or user in this State.

A. A person who violates this subsection commits a Class D crime. [PL 2005, c. 582, §1 (NEW).] [PL 2005, c. 582, §1 (NEW).]

3. Exceptions. The prohibitions contained in subsections 1 and 2 do not apply to a disclosure of customer proprietary network information or any other customer proprietary information:

A. Authorized or required by:

(1) Any state or federal 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 [PL 2005, c. 582, §1 (NEW).]

B. Required by a subpoena, warrant or other lawful process. [PL 2005, c. 582, §1 (NEW).] [PL 2005, c. 582, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 582, §1 (NEW).

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