

# MAINE STATE LEGISLATURE

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ROS

L.D. 1642

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STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 650,  
L.D. 1642, "An Act to Protect Maine Consumers by Simplifying Subscription  
Cancellations"

Amend the amendment by striking out everything after the title and inserting the  
following:

'Amend the bill by striking out the title and substituting the following:

'An Act to Protect Maine Consumers by Simplifying Subscription and Health  
Club Membership Cancellations'

Amend the bill by striking out everything after the enacting clause and inserting the  
following:

'Sec. 1. 10 MRSA c. 205-B, headnote is amended to read:

CHAPTER 205-B

**AUTOMATIC SUBSCRIPTION OR HEALTH CLUB MEMBERSHIP RENEWAL**

Sec. 2. 10 MRSA §1210-C, as enacted by PL 2019, c. 175, §1, is amended by  
amending the section headnote to read:

**§1210-C. Cancellation of subscriptions or memberships**

Sec. 3. 10 MRSA §1210-C, sub-§1, ¶A, as enacted by PL 2019, c. 175, §1, is  
amended to read:

A. "Automatic subscription or health club membership renewal" means an offer or  
agreement to provide any of the following goods or services for a specified time and  
price that is automatically renewed at the end of a definite term for a subsequent term  
unless the consumer ~~cancels~~ affirmatively acts to cancel the agreement or to reject  
further provision of the goods or services:

(1) Online magazines, journals and periodicals;

(2) Online media players;

- (3) Mobile apps;
- (4) Social networking services;
- (5) Internet game services; ~~and~~
- (6) Online software; and
- (7) Health club memberships.

**Sec. 4. 10 MRSA §1210-C, sub-§1, ¶B**, as enacted by PL 2019, c. 175, §1, is amended to read:

B. "Extended automatic subscription or health club membership renewal" means an automatic subscription or health club membership renewal with a specified subscription term of 12 months or more, in which the subscription or membership automatically renews for a specified term of more than one month unless the consumer ~~electronically~~ affirmatively acts to cancel the subscription or membership or to reject further provision of the goods or services.

**Sec. 5. 10 MRSA §1210-C, sub-§1, ¶B-1** is enacted to read:

B-1. "Health club" means an establishment that provides health club services intended to improve or maintain the user's physical condition or appearance through exercise. "Health club" includes, but is not limited to, fitness centers, gyms, health studios, exercise clubs and facilities that offer access to equipment, classes or amenities such as pools, saunas or courts. "Health club" does not include:

- (1) An establishment operated by a nonprofit organization;
- (2) An establishment operated by a public or private school, college or university;
- (3) An establishment operated by the State, a political subdivision of the State or the Federal Government;
- (4) An establishment in which health club services are incidental to the primary purpose of the business; and
- (5) A health care facility as defined by Title 22, section 328, subsection 8.

**Sec. 6. 10 MRSA §1210-C, sub-§1, ¶B-2** is enacted to read:

B-2. "Health club membership" means an agreement under which a consumer pays or commits to pay a health club for ongoing access to health club services, whether on a recurring basis or for a specified term. "Health club membership" includes any agreement entered into online, through a mobile app or over the Internet.

**Sec. 7. 10 MRSA §1210-C, sub-§1, ¶B-3** is enacted to read:

B-3. "Health club services" means services, privileges and rights offered by a health club for use of its equipment, classes or facilities, including but not limited to access to exercise equipment, wellness programs, swimming pools, playing courts and fitness-related amenities.

**Sec. 8. 10 MRSA §1210-C, sub-§1, ¶G**, as enacted by PL 2019, c. 175, §1, is amended to read:

G. "Seller" means a person who sells, leases or offers to sell or lease automatic subscription or health club membership renewals or extended automatic subscription

or health club membership renewals and does not include an entity providing only the host platform on the website of an Internet game service.

**Sec. 9. 10 MRSA §1210-C, sub-§2**, as enacted by PL 2019, c. 175, §1, is amended to read:

**2. Method of cancellation of automatic subscription or health club membership renewal; required seller disclosure; misrepresentation.** A seller may not make an automatic subscription or health club membership renewal offer to a consumer in this State unless the seller presents that consumer with ~~an~~ a clear, conspicuous and easily accessible disclosure of all material terms of the renewal offer and of the methods that the consumer may use to cancel the subscription or membership. A seller shall obtain the express consent of a consumer to automatic subscription or health club membership renewal prior to enrollment through a check box, electronic signature requirement or other affirmative action by the consumer agreeing to the renewal offer. The seller must provide for online cancellation of the subscription ~~by any means of communicating information over a computer network~~ or health club membership by a consumer using the same method and in the same manner by which the consumer initially agreed to the subscription or membership. If a phone number is also provided for the purposes of cancellation of the subscription or membership, the number must be toll-free and must be prominently displayed in the disclosure. The disclosure must also include, but is not limited to, information regarding the amount and frequency of subscription or membership charges and the seller's refund policy upon cancellation. In marketing, offering or selling a subscription or membership with an automatic subscription or health club membership renewal, a seller may not make any misrepresentation of a material fact associated with that renewal offer.

**Sec. 10. 10 MRSA §1210-C, sub-§3**, as enacted by PL 2019, c. 175, §1, is amended to read:

**3. Extended automatic subscriptions subscription or health club membership renewals; additional notice requirement.** A seller may not make an extended automatic subscription or health club membership renewal offer to a consumer in this State unless the seller complies with the same requirements and restrictions applicable to automatic subscription or health club membership renewals under subsection 2 and additionally notifies the consumer of the automatic renewal in accordance with this subsection. ~~Notice must be provided to the consumer no less~~ No more than 30 days and no more than 60 days before the cancellation deadline pursuant to the automatic subscription renewal. ~~The seller must provide for online cancellation of the subscription by any means of communicating information over a computer network.~~ The notice before the renewal date for an extended automatic subscription or health club membership renewal, the seller shall provide notice to the consumer regarding the renewal, which must disclose clearly and conspicuously:

A. That unless the consumer cancels the subscription or membership it will automatically renew; and

B. Where the consumer can obtain details regarding the ~~automatic subscription~~ renewal and cancellation procedure.

**Sec. 11. 10 MRSA §1210-C, sub-§4**, as enacted by PL 2019, c. 175, §1, is amended to read:

