LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 4, 2024 to March 21, 2025

FIRST SPECIAL SESSION
March 25, 2025 to June 25, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2025

Whereas, approximately 80% of watercraft sold in Maine are equipped with an outboard motor; and

Whereas, the outboard motor manufacturer industry has recently been consolidated to primarily 2 companies that share the market; and

Whereas, warranty repairs currently performed on watercraft are reimbursed with a flat rate for the labor performed based upon a manufacturer's estimate of the repair duration, which is not fitting for the marine industry; and

Whereas, the upcoming summer months generally correlate with an increase in watercraft warranty repairs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 10 MRSA §1197, sub-§1, as enacted by PL 1991, c. 631, is amended to read:

1. Parts or labor; satisfaction of warranty. If a franchisor requires or permits a franchisee to perform labor or provide parts to satisfy a warranty created by the franchisor, the franchisor shall properly and promptly fulfill its warranty obligations and:

A. Reimburse the franchisee at the retail rate customarily charged for ~~any~~ <u>all</u> parts ~~provided~~ <u>used</u> by the franchisee to satisfy the warranty<u>. If the franchisor provides a part to the franchisee for a specific warranty repair, the franchisor shall compensate the franchisee for the difference between the cost of the part to the franchisee and the full retail price of the part, which may not exceed 100% of the total reimbursement cost under paragraph B of the labor required to perform the repair</u>; and

B. Reimburse the franchisee for ~~any~~ <u>actual</u> labor performed by the franchisee to satisfy the warranty<u>, which must be reasonable and supported by the franchisee's records</u>. Reimbursement for labor may not be less than the retail rate customarily charged by that franchisee for the same labor when not performed to satisfy a warranty. To be entitled to reimbursement under this section, a franchisee must post in a place conspicuous to service customers the rate for labor not performed to satisfy a warranty.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2025.

CHAPTER 285

S.P. 553 - L.D. 1339

An Act to Regulate Virtual Currency Kiosks

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a recent report from the Federal Bureau of Investigation states, in 2024, that there were 2,137 complaints related to cryptocurrency fraud in Maine resulting in more than $31 million in losses; and

Whereas, this legislation regulates virtual currency kiosks, which have been identified by state regulators as a tool used to perpetrate scams against Maine consumers, especially Maine's senior residents; and

Whereas, this legislation must take effect immediately to protect Maine consumers from cryptocurrency fraud; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA c. 80, headnote is amended to read:

CHAPTER 80

CHECK CASHERS ~~AND~~<u>,</u> CASH-DISPENSING MACHINES <u>AND VIRTUAL CURRENCY KIOSKS</u>

Sec. 2. 32 MRSA c. 80, sub-c. 4 is enacted to read:

<u>SUBCHAPTER 4</u>

<u>VIRTUAL CURRENCY KIOSKS</u>

<u>§6163. Short title</u>

<u>This subchapter may be known and cited as "the Maine Virtual Currency Kiosk Act."</u>

<u>§6164. Definitions</u>

<u>Terms defined in the Maine Money Transmission Modernization Act have the same meanings when used in this subchapter. Additionally, as used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.</u>

<u>**1. Blockchain.** "Blockchain" means distributed ledger technologies where data are shared across a network that creates a digital ledger of verified transactions or information among network participants and the data</u>

are typically linked using cryptology to maintain the integrity of the ledger and execute other functions, including transfer of ownership or value.

2. Transaction hash. "Transaction hash" means a unique identifier made up of a string of characters that acts as a record of and provides proof that a virtual currency transaction was verified and added to the blockchain.

3. Virtual currency kiosk. "Virtual currency kiosk" means an automated, unstaffed electronic machine that is capable of facilitating the transfer of value to a public key that is recorded on a blockchain as directed by the sender at the virtual currency kiosk or at a later time by other means facilitated by the virtual currency kiosk operator.

4. Virtual currency kiosk operator. "Virtual currency kiosk operator" means a person that owns, operates or manages a virtual currency kiosk located in this State through which virtual currency business activity is offered.

5. Virtual currency kiosk transaction. "Virtual currency kiosk transaction" means a transaction conducted or performed, in whole or in part, by electronic means via a virtual currency kiosk. "Virtual currency kiosk transaction" also means a transaction made at a virtual currency kiosk to purchase virtual currency with fiat currency or to sell virtual currency for fiat currency.

§6165. License required

A virtual currency kiosk operator must be licensed as a money transmitter pursuant to the Maine Money Transmission Modernization Act unless exempt pursuant to sections 6074 and 6075.

§6166. Disclosure of virtual currency kiosk locations by operator

A virtual currency kiosk operator shall provide the bureau with the physical locations of the operator's kiosks in operation in the State.

§6167. Record retention

A virtual currency kiosk operator shall preserve and retain all transaction records of a virtual currency kiosk transaction for no less than 3 years, including, but not limited to:

1. Customer information. The customer's name, address, date of birth and driver's license number;

2. Recordings. Video or other recordings of the transaction; and

3. Biometric data. Any biometric data collected.

§6168. Required disclosures; risks of using virtual currency kiosks

Before entering into a virtual currency kiosk transaction for, on behalf of or with a person, a virtual currency kiosk operator shall disclose in a clear, conspicuous and easily readable manner all material risks generally associated with virtual currency kiosk transactions, including the risk of fraud or loss and the exchange rates charged by the virtual currency kiosk operator for the purchase and sale of the virtual currency involved in the transaction.

§6169. Consumer protections

1. Transaction limits; dollar amount. A virtual currency kiosk operator may not accept or dispense more than $1,000 in a day from or to a customer via a virtual currency kiosk owned by the operator.

2. Transaction charges. A virtual currency kiosk operator may not collect charges, whether direct or indirect, from a customer related to a single virtual currency kiosk transaction that exceed the greater of:

A. Five dollars; and

B. Three percent of the United States dollar value of the transaction.

3. Transaction receipt. At the option of a customer, a virtual currency kiosk operator shall provide the customer with a paper or electronic receipt for any transaction made at a virtual currency kiosk that includes the following information:

A. The name of the customer;

B. The date and time of the transaction;

C. The name and license number of the operator;

D. The amounts of fiat currency and virtual currency exchanged or purchased in the transaction and any fees charged to the customer;

E. The virtual currency transaction hash and the public destination address for the virtual currency; and

F. The exchange rate.

4. Refunds for customers. A virtual currency kiosk operator shall issue a refund to a customer for the full amount of all transactions made within 90 days of the customer's first virtual currency kiosk transaction with the virtual currency kiosk operator including any transaction charges collected under subsection 2. To receive a refund under this subsection, a customer must:

A. Have been induced to engage in the virtual currency kiosk transactions by fraud or by an unfair, deceptive or abusive practice; and

B. Within one year of the last transaction induced by fraud or by an unfair, deceptive or abusive practice, file a report with a government or law enforcement agency that includes a sworn statement attesting to the details of the fraud or unfair, deceptive or abusive practice and information sufficient to identify the virtual currency kiosk transactions subject to a refund pursuant to this subsection.

§6170. Implementation, administrative authority and enforcement

The implementation, administrative authority and enforcement provisions of sections 6078, 6079 and 6100-X to 6100-EE apply to this subchapter.

§6170-A. Information security

The administrator shall adopt rules that specify how virtual currency kiosk operators must implement and maintain an information security program. The information security rules must be consistent with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999), as amended, and the applicable implementing federal regulations as adopted by the Federal Trade Commission. Rules adopted under this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§6170-B. Waiver

Any waiver of rights under this subchapter by a customer is void.

Sec. 3. Report. No later than February 1, 2026, the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation shall submit a report to the Joint Standing Committee on Health Coverage, Insurance and Financial Services that includes findings and recommendations regarding the protection of customers of virtual currency kiosks as defined in the Maine Revised Statutes, Title 32, section 6164, subsection 3 from fraudulent activity. The committee may submit legislation related to the report to the Second Regular Session of the 132nd Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 12, 2025.

CHAPTER 286

S.P. 734 - L.D. 1864

An Act to Facilitate the Reconstruction of Storm-damaged Commercial Fisheries Facilities and Infrastructure

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, on March 20, 2024, President Joseph R. Biden, Jr. declared that a major disaster existed in the State of Maine and ordered federal assistance to supplement state, tribal and local recovery efforts in the areas affected by the severe storms and flooding that occurred from January 9, 2024 to January 13, 2024, including within the State's coastal municipalities; and

Whereas, as a result of the severe storms and flooding, individuals and business owners in the State suffered substantial damage to facilities and infrastructure such as docks, piers, wharves, fish houses and other structures traditionally used in support of commercial fishery operations and other functionally water-dependent uses; and

Whereas, under state and certain local laws, to lawfully reconstruct or replace such damaged facilities and infrastructure, a municipal board of appeals must grant a variance from certain local ordinance provisions by finding, among other things, that the land in question cannot yield a reasonable return unless the variance is granted; and

Whereas, because Maine courts have repeatedly held that mere access to coastal waters and the recreational benefits afforded by that access provide property owners with a reasonable return on their land, individuals and business owners would be unlikely to demonstrate a lack of a reasonable return on their land and would therefore be unable to benefit from the federal assistance to reconstruct or replace damaged facilities and infrastructure made available by the disaster declaration; and

Whereas, absent an extension, the deadline to complete permanent work under the emergency declaration is approaching in September 2025; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Variance petition; exemption from reasonable return variance standard. The Maine Revised Statutes, Title 30-A, section 4353, subsection 4, paragraph A does not apply to a petition for a variance from one or more provisions of a municipal shoreland zoning ordinance or a municipal floodplain management ordinance that is filed with the municipality's board of appeals established pursuant to Title 30-A, section 4353 if:

A. The petitioner demonstrates to the board of appeals that the petitioner suffered substantial damage to a dock, pier or wharf, or a structure placed thereon, as a result of the severe storms or flooding that occurred from January 9, 2024 to January 13, 2024;

B. The damaged dock, pier or wharf, or structure placed thereon, identified pursuant to paragraph A is proposed to be reconstructed or replaced in kind and is a functionally water-dependent structure or has a functionally water-dependent use; and