

MAINE STATE LEGISLATURE

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2 Date:

6/13/13

L.D. 1390

(Filing No. H-498)

3 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **126TH LEGISLATURE**
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 993, L.D. 1390, Bill, "An Act
10 Regarding the Cancellation of Subscription Services"

11 Amend the bill by striking out everything after the enacting clause and before the
12 summary and inserting the following:

13 'Sec. 1. 10 MRSA c. 208-C is enacted to read:

14 **CHAPTER 208-C**

15 **SUBSCRIPTIONS**

16 **§1299. Cancellation of subscriptions**

17 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
18 following terms have the following meanings.

19 A. "Automatic renewal subscription" means an agreement to provide any of the
20 following goods or services for a specified time and price that is automatically
21 renewed at the end of a definite term for a subsequent term unless the consumer
22 cancels the agreement:

23 (1) Online magazines, journals and periodicals;

24 (2) Online media players;

25 (3) Social networking services; and

26 (4) Internet game services.

27 B. "Internet game service" means an online service that provides information,
28 software, data, text, photographs, graphics, audio or video that may be accessed by a
29 consumer on a paid subscription basis for the purpose of allowing that consumer to
30 play a single-player or multiplayer game through the Internet or to download a game
31 for that consumer to play offline. "Internet game service" does not include online
32 gambling or other gaming in which a person participates to win money.

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1 C. "Online media player" means an online service that delivers audio or video
2 content.

3 D. "Social networking service" means an online service that facilitates the building
4 of social relations and the sharing of information among specified groups of people.

5 2. Method of cancellation of automatic renewal subscription. A business that
6 makes an automatic renewal subscription offer to a consumer in this State shall present
7 the consumer with an easily accessible disclosure of the methods the consumer may use
8 to cancel the subscription. One of the methods of cancellation must provide for online
9 cancellation of the subscription by any means of communicating information over a
10 computer network.

11 3. Exception. This section does not apply to an entity that provides the host
12 platform on the website of an Internet game service.

13 4. Violation. A violation of this section is a violation of the Maine Unfair Trade
14 Practices Act.

15 **Sec. 2. Application.** This Act applies only to an agreement entered into or
16 renewed after January 1, 2014 under which a business makes an automatic renewal
17 subscription offer to a consumer in this State.'

18 **SUMMARY**

19 This amendment makes the following changes to the bill:

20 1. It removes from the provisions of the bill newspapers, magazines, journals and
21 periodicals and online news sources, including online versions of newspapers, and cable
22 and Internet services, but retains online magazines, journals and periodicals, online media
23 players, social networking services and Internet game services;

24 2. It restricts the application of the bill to only those subscriptions that are
25 automatically renewed at the end of a definite term for a subsequent term, unless the
26 consumer cancels the agreement;

27 3. It removes provisions in the bill detailing the methods by which a subscriber must
28 be allowed to cancel a subscription and instead requires a business that makes an
29 automatic renewal subscription offer to a consumer in this State to present the consumer
30 with an easily accessible disclosure of the methods the consumer may use to cancel the
31 subscription, which must include online cancellation; and

32 4. It adds an application section to provide that the Act only applies to agreements
33 entered into or renewed after January 1, 2014. It provides that the provisions do not
34 apply to an entity that provides the host platform on the website of an Internet game
35 service.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



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LD 1390

LR 999(02)

An Act Regarding the Cancellation of Subscription Services

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-498)
Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil penalties.

The collection of additional fines may also increase General Fund revenue by minor amounts.