

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

**CHAPTER 174  
S.P. 172 - L.D. 550**

**An Act To Amend the  
Definition of "Subdivision" in  
the Laws Governing Planning  
and Land Use Regulation for  
Subdivisions and a Provision  
Excepting the Division of a  
New or Existing Structure  
from Those Laws Beginning  
July 1, 2018**

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

**Sec. 1. 30-A MRSA §4401, sub-§4, ¶H-2,** as enacted by PL 2017, c. 104, §1, is amended to read:

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, ~~2019~~ 2021. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, ~~2018~~ 2020 for the definition to remain valid for the grace period ending January 1, ~~2019~~ 2021. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

**Sec. 2. 30-A MRSA §4402, sub-§6,** as enacted by PL 2017, c. 104, §4, is amended to read:

**6. Division of new or existing structures.** Beginning July 1, 2018, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review ~~in accordance with Title 38, section 488, subsection 19 or Title 38, section 489-A.~~

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A.

**Sec. 3. Retroactivity.** This Act applies retroactively to June 30, 2018.

See title page for effective date.

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**CHAPTER 175  
H.P. 576 - L.D. 771**

**An Act Regarding the  
Cancellation of Subscription  
Services**

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

**Sec. 1. 10 MRSA c. 205-B** is enacted to read:

**CHAPTER 205-B**

**AUTOMATIC SUBSCRIPTION RENEWAL**

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

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

A. "Automatic subscription renewal" means an 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 the agreement:

- (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.

B. "Extended automatic subscription renewal" means an automatic subscription renewal with a specified subscription term of 12 months or more, in which the subscription automatically renews for a specified term of more than one month unless the consumer cancels the subscription.

C. "Internet game service" means an online service that provides information, software, data, text, photographs, graphics, audio or video that may be accessed by a consumer on a paid subscription basis for the purpose of allowing that consumer to play a single-player or multiplayer game through the Internet or to download a game

for that consumer to play offline. "Internet game service" does not include online gambling or other gaming in which a person participates to win money.

D. "Mobile app" means a software application designed to be operated on a mobile device such as a smartphone.

E. "Online media player" means an online service that delivers audio or video content.

F. "Online software" means software provided by an online application.

G. "Seller" means a person who sells, leases or offers to sell or lease automatic subscription renewals or extended automatic subscription renewals and does not include an entity providing only the host platform on the website of an Internet game service.

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

**2. Method of cancellation of automatic subscription renewal.** A seller may not make an automatic subscription renewal offer to a consumer in this State unless the seller presents that consumer with an easily accessible disclosure of the methods that the consumer may use to cancel the subscription. The seller must provide for online cancellation of the subscription by any means of communicating information over a computer network. If a phone number is also provided for the purposes of cancellation of the subscription, the number must be toll-free and must be prominently displayed in the disclosure.

**3. Extended automatic subscriptions.** A seller may not make an extended automatic subscription renewal offer to a consumer in this State unless the seller notifies the consumer of the automatic renewal. Notice must be provided to the consumer no less 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 must disclose clearly and conspicuously:

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

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

**4. Application.** This chapter applies only to an agreement entered into or renewed after January 1, 2020 under which a seller makes an automatic subscription renewal or extended automatic subscription renewal offer to a consumer in this State.

#### **§1210-D. Violation**

**1. Violations.** A violation of this section is a violation of the Maine Unfair Trade Practices Act.

**2. Exceptions.** An action may not be brought under the Maine Unfair Trade Practices Act if a seller violates this chapter as the result of an error and provides a full refund or credit for all amounts billed to or paid by the consumer from the date of the subscription renewal until the date of the termination of the subscription or the date of the subsequent notice of renewal, whichever occurs first.

See title page for effective date.

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### CHAPTER 176

#### H.P. 733 - L.D. 978

#### An Act To Clarify Maine's Protection from Abuse Statutes

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

**Sec. 1. 19-A MRSA §4002, sub-§7** is enacted to read:

**7. Social media.** "Social media" means an electronic medium or service through which users create, share and view user-generated content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, e-mail, online service accounts and Internet website profiles and locations.

**Sec. 2. 19-A MRSA §4007, sub-§1, ¶D**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

D. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff, including via social media;

See title page for effective date.

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### CHAPTER 177

#### S.P. 491 - L.D. 1556

#### An Act Regarding Filing Fees in Transmission Line Proceedings

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

**Sec. 1. 35-A MRSA §3132, sub-§10-A**, as enacted by PL 2009, c. 26, §1, is amended to read:

**10-A. Filing fee to Office of the Public Advocate.** When a person pays a filing fee to the commis-