

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

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

ed within 180 365 days of the minor's attaining 18 years of age.

Sec. 3. Application. This Act applies only to causes of action that accrue on or after January 1, 2020.

See title page for effective date.

**CHAPTER 215
H.P. 642 - L.D. 868**

**An Act To Require That the
Terms of a Settlement to
Which a Governmental Entity
is a Party Be Made Available to
the Public**

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

Sec. 1. 14 MRSA §8109, sub-§5 is enacted to read:

5. Settlement agreement public record. Except for information that is designated confidential by statute or that is not a public record under Title 1, section 402, subsection 3, a settlement agreement entered into by a governmental entity under this section, including a payment by an insurer of the governmental entity, is a public record.

See title page for effective date.

**CHAPTER 216
S.P. 275 - L.D. 946**

**An Act To Protect the Privacy
of Online Customer
Information**

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

Sec. 1. 35-A MRSA c. 94 is enacted to read:

CHAPTER 94

**BROADBAND INTERNET ACCESS SERVICE
CUSTOMER PRIVACY**

**§9301. Privacy of broadband Internet access
service customer personal information**

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

A. "Broadband Internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet

endpoints, including any capabilities that are incidental to and enable the operation of the service, excluding dial-up Internet access service.

B. "Customer" means an applicant for or a current or former subscriber of broadband Internet access service.

C. "Customer personal information" means:

(1) Personally identifying information about a customer, including but not limited to the customer's name, billing information, social security number, billing address and demographic data; and

(2) Information from a customer's use of broadband Internet access service, including but not limited to:

(a) The customer's web browsing history;

(b) The customer's application usage history;

(c) The customer's precise geolocation information;

(d) The customer's financial information;

(e) The customer's health information;

(f) Information pertaining to the customer's children;

(g) The customer's device identifier, such as a media access control address, international mobile equipment identity or Internet protocol address;

(h) The content of the customer's communications; and

(i) The origin and destination Internet protocol addresses.

D. "Provider" means a person who provides broadband Internet access service.

2. Privacy of customer personal information. A provider may not use, disclose, sell or permit access to customer personal information, except as provided in subsections 3 and 4, Title 16, chapter 3, subchapters 10 and 11 and 18 United States Code, Section 2703.

3. Customer consent exception. Consent of a customer is governed by this subsection.

A. A provider may use, disclose, sell or permit access to a customer's customer personal information if the customer gives the provider express, affirmative consent to such use, disclosure, sale or access. A customer may revoke the customer's consent under this paragraph at any time.

B. A provider may not: