

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.

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:

(1) Refuse to serve a customer who does not provide consent under paragraph A; or

(2) Charge a customer a penalty or offer a customer a discount based on the customer's decision to provide or not provide consent under paragraph A.

C. A provider may use, disclose, sell or permit access to information the provider collects pertaining to a customer that is not customer personal information, except upon written notice from the customer notifying the provider that the customer does not permit the provider to use, disclose, sell or permit access to that information.

4. Other exceptions. Notwithstanding the provisions of subsections 2 and 3, a provider may collect, retain, use, disclose, sell and permit access to customer personal information without customer approval:

A. For the purpose of providing the service from which such information is derived or for the services necessary to the provision of such service;

B. To advertise or market the provider's communications-related services to the customer;

C. To comply with a lawful court order;

D. To initiate, render, bill for and collect payment for broadband Internet access service;

E. To protect users of the provider's or other providers' services from fraudulent, abusive or unlawful use of or subscription to such services; and

F. To provide geolocation information concerning the customer:

(1) For the purpose of responding to a customer's call for emergency services, to a public safety answering point; a provider of emergency medical or emergency dispatch services; a public safety, fire service or law enforcement official; or a hospital emergency or trauma care facility; or

(2) To a provider of information or database management services solely for the purpose of assisting in the delivery of emergency services in response to an emergency.

5. Security of customer personal information. A provider shall take reasonable measures to protect customer personal information from unauthorized use, disclosure or access.

A. In implementing security measures required by this subsection, a provider shall take into account each of the following factors:

(1) The nature and scope of the provider's activities;

(2) The sensitivity of the data the provider collects;

(3) The size of the provider; and

(4) The technical feasibility of the security measures.

B. A provider may employ any lawful measure that allows the provider to comply with the requirements of this subsection.

6. Notice required. A provider shall provide to each of the provider's customers a clear, conspicuous and nondeceptive notice at the point of sale and on the provider's publicly accessible website of the provider's obligations and a customer's rights under this section.

7. Applicability. The requirements of this section apply to providers operating within the State when providing broadband Internet access service to customers that are physically located and billed for service received in the State.

Sec. 2. Effective date. This Act takes effect July 1, 2020.

Effective July 1, 2020.

CHAPTER 217

H.P. 818 - L.D. 1129

An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act

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

Sec. 1. 22 MRSA §2422, sub-§1-F is enacted to read:

1-F. Caregiver retail store. "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶P, as enacted by PL 2017, c. 452, §4, is amended to read:

P. Operate one caregiver retail store to sell harvested marijuana to qualifying patients for the patients' medical use in accordance with this chapter; and

Sec. 3. 22 MRSA §2423-A, sub-§3, ¶C-1, as enacted by PL 2017, c. 452, §4, is amended to read:

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not: