

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 3, 2024 to May 10, 2024**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 9, 2024**

**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**  
**2024**

tional and governmental access channels on the electronic program guide in the same manner as that in which local broadcast channels are identified. This subsection does not obligate a video service provider to list public, educational and governmental access channel content on channel cards and channel listings. If channels are selected by a viewer through a menu system, the video service provider shall display the public, educational and governmental access channels' designations in a similar manner as that in which local broadcast channel designations are displayed.

A video service provider shall make available to the originator a toll-free telephone number with a direct line to a service technician who is familiar with the signal path and equipment associated with public, educational and governmental access channels on the cable television system for resolution of a signal quality problem.

**Sec. 25. 30-A MRSA §3010, sub-§6,** as amended by PL 2021, c. 553, §20, is further amended to read:

**6. Rights of individuals.** A ~~cable system operator~~ video service provider may not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, ancestry or national origin, age or familial status.

**Sec. 26. 30-A MRSA §3010, sub-§6-A,** as amended by PL 2007, c. 548, §2, is further amended to read:

**6-A. Subscriber privacy.** A ~~cable system operator~~ video service provider may not intrude upon the privacy of a subscriber by installing or using any equipment that allows the ~~cable system operator~~ video service provider to observe or to listen to what is occurring in an individual subscriber's household or to monitor the viewing habits of the subscriber without express, prior written consent of the subscriber. A ~~cable system operator~~ video service provider may not sell, disclose or otherwise make available, or permit the use of, lists of the names or addresses of its subscribers, or any list or other information that identifies by name or address subscribers or subscriber viewing habits, to any person or agency for any purpose whatsoever without the prior written consent of the subscriber except that the ~~cable system operator~~ video service provider may make such lists available to persons performing services for the ~~cable system operator~~ video service provider in connection with its business or operations, such as a billing service, when the availability of such lists is necessary to the performance of such services if, in either case, the persons or entity receiving such lists agree in writing that they will not permit them to be made available to any other party.

**Sec. 27. 30-A MRSA §3010, sub-§6-B,** as amended by PL 2007, c. 548, §2, is further amended to read:

**6-B. Late fees.** A ~~cable system operator~~ video service provider may not charge a late fee or other penalty or charge for late payment of any bill that exceeds 1.5% per month of the amount due in the bill. If the bill includes separate charges for different levels of service, a late fee or other penalty or charge must be calculated on the total amount overdue for all levels of service and may not be calculated separately for each level of service. A payment is not late under this subsection until at least 30 days after those services to which the late fee applies have been received by the consumer.

**Sec. 28. 30-A MRSA §3010, sub-§8,** as enacted by PL 2007, c. 548, §2, is amended to read:

**8. Filing of franchise agreements.** A ~~cable system operator~~ video service provider that maintains a publicly accessible website shall post on that website a copy of the most recently executed franchise agreement for each franchise that it has been granted by a municipality in the State.

**Sec. 29. 35-A MRSA §2503, sub-§20,** as amended by PL 1995, c. 254, §5, is further amended to read:

**20. Exclusive method.** Compliance with this section by any person is the exclusive method of obtaining the rights and privileges conferred in this section and no person or cooperative may be required, with respect to the location of its facilities, to comply with or be subject to any other law, including, but not limited to, Title 30-A, chapter 165, except that a person subject to Title 30-A, section 3008 must comply with the requirements of that section with respect to the location of its facilities.

See title page for effective date.

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**CHAPTER 503**  
**S.P. 848 - L.D. 2020**

**An Act to Make Technical Updates to the Maine Uniform Securities Act**

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

**Sec. 1. 32 MRSA §16103,** as amended by PL 2007, c. 14, §1, is further amended to read:

**§16103. References to federal statutes**

As used in this chapter, the Securities Act of 1933, 15 United States Code, Section 77a et seq., Securities Exchange Act of 1934, 15 United States Code, Section 78a et seq., Public Utility Holding Company Act of

1935, 15 United States Code, Section 79 et seq., Investment Company Act of 1940, 15 United States Code, Section 80a-1 et seq., Investment Advisers Act of 1940, 15 United States Code, Section 80b-1 et seq., Employee Retirement Income Security Act of 1974, 29 United States Code, Section 1001 et seq., National Housing Act, 12 United States Code, Section 1701 et seq., Commodity Exchange Act, 7 United States Code, Section 1 et seq., Internal Revenue Code, 26 United States Code, Section 1 et seq., Securities Investor Protection Act of 1970, 15 United States Code, Section 78aaa et seq., Securities Litigation Uniform Standards Act of 1998, 112 Stat. 3227, Small Business Investment Act of 1958, 15 United States Code, Section 661 et seq. and Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq. and Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. mean those federal laws of those names, those statutes and the rules and regulations adopted under those laws and statutes, as amended, as of December 31, 2006 2023.

**Sec. 2. 32 MRSA §16304, sub-§6-A, ¶D,** as enacted by PL 2013, c. 452, §1, is amended to read:

D. The offering meets the requirements of the federal exemption for limited offerings and sales of securities not exceeding ~~\$1,000,000~~ \$10,000,000 in 17 Code of Federal Regulations, Section 230.504 (2013);

**Sec. 3. 32 MRSA §16402, sub-§2, ¶A,** as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

A. An individual who represents a broker-dealer in effecting transactions in this State limited to those described in Section 15(h)(2) of the federal Securities Exchange Act of 1934, 15 United States Code, Section ~~78(e)(2)~~ 78o(h)(2);

**Sec. 4. 32 MRSA §16411, sub-§6,** as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

**6. Requirements for custody.** Subject to Section 15(h) of the federal Securities Exchange Act of 1934, 15 United States Code, Section 78o(h) or Section 222 of the federal Investment Advisers Act of 1940, 15 United States Code, Section ~~80b-22~~ 80b-18a, an agent may not have custody of funds or securities of a customer except under the supervision of a broker-dealer and an investment adviser representative may not have custody of funds or securities of a client except under the supervision of an investment adviser or a federal covered investment adviser. A rule adopted or order issued under this chapter may prohibit, limit or impose conditions on a broker-dealer regarding custody of funds or securities of a customer and on an investment adviser regarding custody of securities or funds of a client.

**Sec. 5. 32 MRSA §16411, sub-§9,** as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

**9. Privacy provisions.** A broker-dealer licensed or required to be licensed under this chapter and an investment adviser licensed or required to be licensed under this chapter shall comply with the privacy provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the implementing Regulation S-P, ~~federal~~; Privacy of Consumer Financial Information and Safeguarding Personal Information, 17 Code of Federal Regulations, Part 248, Subpart A (2001) adopted by the Securities and Exchange Commission. This subsection is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

See title page for effective date.

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**CHAPTER 504**

**S.P. 849 - L.D. 2021**

**An Act to Clarify the Laws  
Regarding Pharmaceutical  
Product Stewardship**

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

**Sec. 1. 38 MRSA §1612, sub-§1, ¶B,** as enacted by PL 2021, c. 94, §2, is repealed.

**Sec. 2. 38 MRSA §1612, sub-§1, ¶D,** as enacted by PL 2021, c. 94, §2, is amended to read:

D. "Covered drug" means any substance recognized as a drug under 21 United States Code, Section 321(g)(1), as amended, and any regulations adopted pursuant to that provision, that is sold, offered for sale or dispensed in the State, whether directly or through a wholesaler, in any form, including, but not limited to, prescription and nonprescription drugs, drugs in medical devices and combination products, brand name and generic drugs and drugs for veterinary use.

"Covered drug" does not include:

- (1) Vitamins or supplements;
- (2) Herbal-based remedies and homeopathic drugs, products or remedies;
- (3) Cosmetics, soap with or without germicidal agents, laundry detergent, bleach, household cleaning products, shampoo, sunscreen, toothpaste, lip balm, antiperspirant or other personal care products that are regulated as both cosmetics and nonprescription drugs under the Federal Food, Drug, and Cosmetic Act;
- (4) Pet pesticide products contained in pet collars, powders, shampoos, topical applications or other forms and prescription pet food;