

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

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.