

Consumer Protection Enforcement, Ballot Power, and Private Equity: What We Learned From...Maine

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Our latest Kelley Drye State Attorney General Webinar Series [featured](#) representatives from the Maine Attorney General's Office, including Attorney General Aaron Frey and Consumer Protection Chief Christina Moylan, who discussed Maine's needs-driven approach to consumer protection and its response to emerging risks. Here is what we learned from our guest speakers.

Maine's Consumer Protection Landscape

Unlike the forty-three states that elect their AG by popular vote, the Maine Attorney General is selected by its legislature every two years. The Consumer Protection Division in the AG's Office operates under the Unfair Trade Practices Act ([UTPA](#)), which is modeled after the Federal Trade Commission (FTC) Act. Maine courts are guided by FTC and federal court interpretations of the FTC Act.

Consumer complaints are a central driver of enforcement. The office receives regular reports on complaint trends, and scam activity consistently ranks among the top concerns, along with home improvement disputes. Maine pairs enforcement with a consumer mediation program, where staff and volunteer mediators help resolve disputes between consumers and businesses.

From an enforcement standpoint, the UTPA provides pre-suit investigative authority, including through civil investigative demands, which are considered confidential. The law requires the office to provide 10 days' notice before filing suit. The state is not subject to statutes of limitations under the common-law nullum tempus doctrine. The office prioritizes injunctive relief to stop harmful conduct, while also seeking restitution, disgorgement, and civil penalties of up to \$10,000 per intentional violation. The office also participates in multistate investigations, allowing it to leverage resources, draw on expertise from AG offices in other states, and address conduct that extends beyond Maine's borders.

Recent legislative developments related to consumer protection emphasize a focus on emerging risks, including:

- A [cryptocurrency kiosk law](#) imposing licensing, disclosure, and liability requirements to combat fraud
- New [protections](#) allowing financial institutions, under certain circumstances, to delay suspicious transactions involving older or vulnerable adults

- An [opt-in privacy law](#) for internet service providers, even in the absence of a broader, comprehensive privacy law

Ballot Power: Citizen Initiatives and Regulatory Change

Maine's Constitution allows citizens to initiate legislation directly, making ballot initiatives a significant force in consumer protection law. After filing an initiative with the Secretary of State, proponents have 18 months to gather signatures equal to 10% of the last gubernatorial vote, or roughly 68,000 signatures currently.

Once qualified, the legislature may pass the proposal, reject it and send it to voters, or offer a competing measure. Even after passage, initiatives often require legislative refinement and may prompt litigation, underscoring the challenge of transposing complex policy into a yes-or-no ballot question.

Recent years have seen increased use of this process across issues from economic regulation to social policy, demonstrating its growing role in Maine's regulatory environment.

For example, Maine's [automotive right-to-repair law](#), approved by voters in 2023 with overwhelming support, illustrates both the power and complexity of citizen initiatives. The law seeks to ensure that vehicle owners and independent repair shops have access to electronic vehicle data, including wireless telematics through either an interoperable platform or app.

Private Equity and Consumer Protection

Like other states, Maine is focusing on the intersection of private equity and consumer protection, where profit-driven investment strategies may be viewed as conflicting with consumer interests such as affordability, access, and quality.

Two areas have drawn particular attention for Maine:

- Healthcare transactions: Maine recently enacted a [law](#) requiring 180 days' advance notice and regulatory review when private equity or similar entities seek to acquire or control healthcare providers. This indicates a broader concern about maintaining access to services in a state where hospitals are predominantly nonprofit.
- Mobile home parks: Private equity acquisitions have prompted legislative responses, including:
 - Mobile home owners or their association have a [first option to purchase](#) the mobile home community in the event the owner sells the property
 - [Notice](#) and mediation requirements for rent increases
 - [Transfer fees](#) on the purchase of a community by certain large purchasers, to fund programs supporting resident ownership

These measures demonstrate an effort to balance investment activity with consumer protection, particularly in markets affecting at-risk populations.

Maine's consumer protection regime is unique in that it is not only shaped by the attorney general's office and market forces, but also directly by voters. For businesses, this means staying attuned not

only to enforcement trends but also to legislative developments driven by forces outside the traditional policymaking process.

Summer Associate Bariela Capollari contributed to this post.