

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1346 - L.D. 1804

An Act To Provide Consistency in the Laws Regarding Domestic Partners

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

Sec. 1. 1 MRSA §72, sub-§2-C is enacted to read:

2-C. Domestic partner. "Domestic partner" means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Sec. 2. 1 MRSA §1012, sub-§2-A, as enacted by PL 2009, c. 208, §2, is repealed.

Sec. 3. 3 MRSA §312-A, sub-§4-B, as enacted by PL 2007, c. 630, §2, is repealed.

Sec. 4. 4 MRSA §807, sub-§3, ¶S, as amended by PL 2019, c. 597, §1, is further amended to read:

S. An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, ~~registered~~ domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709;

Sec. 5. 5 MRSA §19, sub-§1, ¶B-1, as enacted by PL 2011, c. 634, §15, is repealed.

Sec. 6. 5 MRSA §286-M, sub-§2, ¶B, as enacted by PL 2005, c. 636, Pt. A, §3, is amended to read:

B. "Dependent" means a spouse, an unmarried child under 19 years of age, a child who is a student under 23 years of age and financially dependent upon the enrollee, a child of any age who is disabled and dependent upon the enrollee or a domestic partner ~~as defined in Title 24-A, section 2741-A.~~

Sec. 7. 15 MRSA §321, sub-§1, as amended by PL 2017, c. 402, Pt. C, §31 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

1. Definition. For purposes of this section, "family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living as spouses, natural parents of the same child, adult household

members related by consanguinity or affinity or minor children of any household member when the offender is an adult household member. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." ~~For purposes of this subsection, "domestic partners" has the same meaning as in Title 18-C, section 1-201, subsection 14.~~

Sec. 8. 17-A MRSA §253, sub-§2, ¶L, as amended by PL 2019, c. 438, §1, is further amended to read:

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. ~~For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.~~ Violation of this paragraph is a Class C crime;

Sec. 9. 17-A MRSA §255-A, sub-§1, ¶W, as enacted by PL 2011, c. 423, §6, is amended to read:

W. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. ~~For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.~~ Violation of this paragraph is a Class D crime; or

Sec. 10. 17-A MRSA §260, sub-§1, ¶M, as enacted by PL 2011, c. 423, §9, is amended to read:

M. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. ~~For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.~~ Violation of this paragraph is a Class D crime.

Sec. 11. 17-A MRSA §1807, sub-§4, as amended by PL 2021, c. 174, §5, is further amended to read:

4. Findings or explanation required in certain cases when completion of domestic violence intervention program is not ordered as a condition of probation. If an individual is convicted of a crime under chapter 9 or 13 or section 758 that the State pleads and proves was committed by the individual against a spouse, domestic partner or sexual partner; a former spouse, domestic partner or sexual partner; a victim with whom the individual is living or lived as a spouse; or a victim who is or was a dating partner of the individual and the court does not order as a condition of probation that the individual complete a domestic violence intervention program certified pursuant to Title 19-A, section 4014, the court shall make findings on the record of the court's reasons for not ordering the individual to complete a certified domestic violence intervention program. If a plea agreement submitted to the court in accordance with Rule 11A(b) of the Maine Rules of Unified Criminal Procedure does not contain a provision ordering the individual to complete a certified domestic violence intervention program, the attorney for the State shall indicate, in a writing submitted to the court, the basis for the plea agreement's not including

completion of a certified domestic violence intervention program as a condition of probation. For purposes of this subsection, "dating partner" means a victim currently or formerly involved in dating the individual, whether or not the individual and the victim are or were sexual partners. ~~For purposes of this subsection, "domestic partner" means one of 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.~~

Sec. 12. 18-C MRSA §1-201, sub-§14, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

14. Domestic partner. "Domestic partner" ~~means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare~~ has the same meaning as in Title 1, section 72, subsection 2-C.

Sec. 13. 18-C MRSA §5-916, sub-§1, ¶D, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

D. The principal's spouse, ~~registered~~ domestic partner, parent or descendant;

Sec. 14. 18-C MRSA §5-931, sub-§2, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

2. Limitation on creating interest in principal's property. Notwithstanding a grant of authority to do an act described in subsection 1, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse, ~~registered~~ domestic partner or descendant of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

Sec. 15. 18-C MRSA §5-940, sub-§2, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

2. New insurance or annuity contract for principal and family. Procure new, different and additional contracts of insurance and annuities for the principal and the principal's spouse, ~~registered~~ domestic partner, children and other dependents and select the amount, type of insurance or annuity and mode of payment;

Sec. 16. 18-C MRSA §5-943, sub-§1, ¶A, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

A. Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse or the principal's ~~registered~~ domestic partner and the following individuals, whether living when the power of attorney is executed or later born:

- (1) Individuals legally entitled to be supported by the principal; and
- (2) Individuals whom the principal has customarily supported or indicated the intent to support;

Sec. 17. 19-A MRSA §4002, sub-§4, as amended by PL 2019, c. 113, Pt. C, §66 and c. 412, §7, is further amended to read:

4. Family or household members. "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 208-D, 208-E, 208-F, 209-A, 210-B, 210-C, 211-A, 1802, 1804 and 2301, subsection 1 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." ~~For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.~~

Sec. 18. 21-A MRSA §1, sub-§13-A, as enacted by PL 2007, c. 122, §1, is repealed.

Sec. 19. 22 MRSA §2843, sub-§2, as amended by PL 2013, c. 20, §1, is further amended to read:

2. Permit for disinterment or removal. A dead human body may not be disinterred or removed from any vault or tomb until the person in charge of the disinterment or removal has obtained a permit from the State Registrar of Vital Statistics or from the clerk of the municipality where the dead human body is buried or entombed. The permit must be issued upon receipt of a notarized application signed by the next of kin of the deceased who verifies that the signer is the closest surviving known relative and, when any other family member of equal or greater legal or blood relationship or a domestic partner of the decedent also survives, that all such persons are aware of, and do not object to, the disinterment or removal. This subsection does not preclude a court of competent jurisdiction from ordering or enjoining disinterment or removal pursuant to section 3029 or in other appropriate circumstances. ~~For purposes of this subsection, "domestic partner" means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.~~

Sec. 20. 22 MRSA §2843-A, sub-§1, ¶D, as amended by PL 2015, c. 208, §1, is further amended by amending subparagraph (1-A) to read:

(1-A) A domestic partner. For purposes of this section, "domestic partner" means the partner of the subject who: a registered domestic partner or one of 2 unmarried adults who had been domiciled together under long-term arrangements that evidenced a commitment to remain responsible indefinitely for each other's welfare, including evidence of an emotional, physical or financial relationship with the subject similar to that of a spouse;

- ~~(a) Is a mentally competent adult;~~
- ~~(b) Had been legally domiciled with the subject for at least 12 months immediately preceding the death of the subject;~~
- ~~(c) Is not legally married to or legally separated from another individual;~~
- ~~(d) Was the sole partner of the subject; and~~

~~(e) Was jointly responsible with the subject for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property;~~

Sec. 21. 22 MRSA §2846, first ¶, as amended by PL 2003, c. 672, §21, is further amended to read:

For the purposes of this chapter, ~~the "authorized person" responsible person,~~ in the context of responsibility for obtaining or filing a permit or certificate, means a member of the immediate family of the deceased, the domestic partner of the deceased, a person authorized in writing by a member of the immediate family of the deceased if no member of the immediate family of the deceased wishes to assume the responsibility or by the domestic partner of the deceased if the domestic partner does not wish to assume the responsibility or, in the absence of immediate family or a known domestic partner, a person authorized in writing by the deceased. ~~For purposes of this section, "domestic partner" means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.~~

Sec. 22. 22 MRSA §2942, sub-§5, as enacted by PL 2007, c. 601, §2, is amended to read:

5. Disinterested witness. "Disinterested witness" means a witness other than the spouse, ~~registered~~ domestic partner, child, parent, sibling, grandchild, grandparent or guardian of the individual who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual and who is familiar with the individual's personal values. "Disinterested witness" does not include a person to which an anatomical gift could pass under section 2951.

Sec. 23. 22 MRSA §2942, sub-§27, as enacted by PL 2007, c. 601, §2, is repealed.

Sec. 24. 22 MRSA §2949, sub-§1, ¶C, as enacted by PL 2007, c. 601, §2, is amended to read:

C. ~~The registered domestic partner of the decedent.~~ For purposes of this section, "domestic partner" means a registered domestic partner or one of 2 unmarried adults who had been domiciled together under long-term arrangements that evidenced a commitment to remain responsible indefinitely for each other's welfare, including evidence of an emotional, physical or financial relationship with the decedent similar to that of a spouse;

Sec. 25. 22 MRSA §4313, sub-§2, as amended by PL 2017, c. 62, §1, is further amended to read:

2. Burial or cremation. In the event of the death of an eligible person, the funeral director shall notify the overseer prior to burial or cremation or by the end of 3 business days following the funeral director's receipt of the body, whichever is earlier. Notwithstanding section 4305, subsection 3, paragraph C, a decision on any application for assistance with burial expenses need not be rendered until the overseer has verified that a relative or other resource is not available to pay for the direct burial or cremation costs, but the decision must be rendered within 8 days after receiving an application. The father, mother, grandfather, grandmother, children or grandchildren, by consanguinity, or the spouse or ~~registered~~ domestic partner are responsible for the burial or cremation costs of the eligible person in proportion to their respective abilities. When no legally liable relative

possesses a financial capacity to pay either in lump sum or on an installment basis for the direct costs of a burial or cremation, the contribution of a municipality under this subsection is limited to a reasonable calculation of the funeral director's direct costs, less any and all contributions from any other source. ~~For the purposes of this subsection, "registered domestic partner" means an individual registered as a domestic partner under section 2710, subsection 3.~~

Sec. 26. 24 MRSA §2319-A, sub-§1, as enacted by PL 2001, c. 347, §1 and affected by §5, is repealed.

Sec. 27. 24 MRSA §2319-A, sub-§4, as enacted by PL 2001, c. 347, §1 and affected by §5, is amended to read:

4. Evidence of domestic partnership. As a condition of eligibility for coverage, a nonprofit hospital and medical service organization or a group policyholder may require a subscriber or member and the subscriber's or member's domestic partner to sign an affidavit attesting that the subscriber or member and the subscriber's or member's domestic partner meet the definition ~~in subsection 1 of domestic partner under Title 1, section 72, subsection 2-C~~ and to show documentation of joint ownership or occupancy of real property, such as a joint deed, joint mortgage or joint lease, or the existence of a joint credit card, joint bank account or powers of attorney in which each domestic partner is authorized to act for the other.

Sec. 28. 24 MRSA §2319-A, sub-§6, as enacted by PL 2001, c. 347, §1 and affected by §5, is amended to read:

6. Termination of domestic partner benefits. A nonprofit hospital and medical service organization may terminate coverage in accordance with other applicable provisions of this Title for the domestic partner of a subscriber or member upon notification by the subscriber or member that the domestic partner relationship has terminated. ~~A subscriber or member may not enroll another individual as a domestic partner under an individual or group contract until 12 months after the termination of coverage for a prior domestic partner.~~

Sec. 29. 24 MRSA §2907, sub-§1, ¶A, as enacted by PL 2005, c. 376, §1, is amended to read:

A. "Relative" means an alleged victim's spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister or spouse's parents. "Relative" includes these relationships that are created as a result of adoption. In addition, "relative" includes any ~~person who has a domestic partner relationship with domestic partner of an alleged victim. As used in this paragraph, "domestic partner" is a person who has registered as a domestic partner pursuant to Title 22, section 2710.~~

Sec. 30. 24-A MRSA §2741-A, sub-§1, as enacted by PL 2001, c. 347, §2 and affected by §5, is repealed.

Sec. 31. 24-A MRSA §2741-A, sub-§4, as enacted by PL 2001, c. 347, §2 and affected by §5, is amended to read:

4. Evidence of domestic partnership. As a condition of eligibility for coverage, an insurer may require a policyholder and the policyholder's domestic partner to sign an affidavit attesting that the policyholder and the policyholder's domestic partner meet the

definition ~~in subsection 4~~ of domestic partner under Title 1, section 72, subsection 2-C and to show documentation of joint ownership or occupancy of real property, such as a joint deed, joint mortgage or a joint lease, or the existence of a joint credit card, joint bank account or powers of attorney in which each domestic partner is authorized to act for the other.

Sec. 32. 24-A MRSA §2741-A, sub-§6, as enacted by PL 2001, c. 347, §2 and affected by §5, is amended to read:

6. Termination of domestic partner benefits. An insurer may terminate coverage in accordance with other applicable provisions of this Title for the domestic partner of a policyholder upon notification by the policyholder that the domestic partner relationship has terminated. ~~A policyholder may not enroll another individual as a domestic partner under an individual contract until 12 months after the termination of coverage for a prior domestic partner.~~

Sec. 33. 24-A MRSA §2832-A, sub-§1, as enacted by PL 2001, c. 347, §3 and affected by §5, is repealed.

Sec. 34. 24-A MRSA §2832-A, sub-§4, as enacted by PL 2001, c. 347, §3 and affected by §5, is amended to read:

4. Evidence of domestic partnership. As a condition of eligibility for coverage, an insurer or group policyholder may require a certificate holder and the certificate holder's domestic partner to sign an affidavit attesting that the certificate holder and the certificate holder's domestic partner meet the definition ~~in subsection 4~~ of domestic partner under Title 1, section 72, subsection 2-C and to show documentation of joint ownership or occupancy of real property, such as a joint deed, joint mortgage or a joint lease, or the existence of a joint credit card, joint bank account or powers of attorney in which each domestic partner is authorized to act for the other.

Sec. 35. 24-A MRSA §2832-A, sub-§6, as enacted by PL 2001, c. 347, §3 and affected by §5, is amended to read:

6. Termination of domestic partner benefits. An insurer may terminate coverage in accordance with other applicable provisions of this Title for the domestic partner of a certificate holder upon notification by the certificate holder that the domestic partner relationship has terminated. ~~A certificate holder may not enroll another individual as a domestic partner under a group contract until 12 months after the termination of coverage for a prior domestic partner.~~

Sec. 36. 24-A MRSA §3952, sub-§4, as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

4. Dependent. "Dependent" means a spouse, a domestic partner ~~as defined in section 2832-A, subsection 4~~ or a child under 26 years of age.

Sec. 37. 24-A MRSA §4249, sub-§1, as enacted by PL 2001, c. 347, §4 and affected by §5, is repealed.

Sec. 38. 24-A MRSA §4249, sub-§4, as enacted by PL 2001, c. 347, §4 and affected by §5, is amended to read:

4. Evidence of domestic partnership. As a condition of eligibility for coverage, a health maintenance organization or group policyholder may require an enrollee or member and the enrollee's or member's domestic partner to sign an affidavit attesting that the enrollee or member and enrollee's or member's domestic partner meet the definition ~~in subsection 1~~ of domestic partner under Title 1, section 72, subsection 2-C and to show documentation of joint ownership or occupancy of real property, such as a joint deed, joint mortgage or a joint lease, or the existence of a joint credit card, joint bank account or powers of attorney in which each domestic partner is authorized to act for the other.

Sec. 39. 24-A MRSA §4249, sub-§6, as enacted by PL 2001, c. 347, §4 and affected by §5, is amended to read:

6. Termination of domestic partner benefits. A health maintenance organization may terminate coverage in accordance with other applicable provisions of this Title for the domestic partner of an enrollee or member upon notification by the enrollee or member that the domestic partner relationship has terminated. ~~An enrollee or member may not enroll another individual as a domestic partner under an individual or group contract until 12 months after the termination of coverage for a prior domestic partner.~~

Sec. 40. 24-A MRSA §6903, sub-§3, as enacted by PL 2003, c. 469, Pt. A, §8, is amended to read:

3. Dependent. "Dependent" means a spouse, a domestic partner, an unmarried child under 19 years of age, a child who is a student under 23 years of age and is financially dependent upon a plan enrollee or a person of any age who is the child of a plan enrollee and is disabled and dependent upon that plan enrollee. ~~"Dependent" may include a domestic partner consistent with sections 2741-A, 2832-A and 4249 and Title 24, section 2319-A.~~

Sec. 41. 26 MRSA §843, sub-§7, as enacted by PL 2007, c. 261, §2, is repealed.

Sec. 42. 26 MRSA §849-A is enacted to read:

§849-A. Rules

The Department of Labor shall adopt rules to provide guidance in the application of this subchapter to domestic partners. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The department shall make the rules available on a publicly accessible website maintained by the department.

Sec. 43. 26 MRSA §875, sub-§1, ¶E, as amended by PL 2017, c. 402, Pt. C, §80 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

E. The employee is unable to work because the employee is needed to provide care or assistance to one or more of the following individuals: the employee's spouse or domestic partner ~~as defined under Title 18-C, section 1-201, subsection 14~~; the employee's parent; or the employee's child or child for whom the employee is the legal guardian.

Sec. 44. 39-A MRSA §102, sub-§11, ¶A, as amended by PL 2009, c. 452, §3, is further amended by amending subparagraph (4) in the first blocked paragraph to read:

Any person may revoke or rescind that person's waiver upon 30 days' written notice to the board and that person's employer. The parent, spouse, domestic partner ~~as defined in Title 24, section 2319-A, subsection 1~~ or child of a person who has made

a waiver under the previous sentence may state, in writing, that the parent, spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1 or child waives all the benefits and privileges provided by the workers' compensation laws if the board finds that the waiver is not a prerequisite condition to employment and if the parent, spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1 or child is employed by the same corporation that employs the person who has made the first waiver;

Sec. 45. 39-A MRSA §102, sub-§11, ¶A, as amended by PL 2009, c. 452, §3, is further amended by amending subparagraph (5) to read:

(5) Except for persons engaged in harvesting of forest products, the parent, spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1 or child of a sole proprietor who is employed by that sole proprietor or the parent, spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1 or child of a partner who is employed by the partnership of that partner or the parent, spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1 or child of a member of a limited liability company who is employed by that limited liability company may state, in writing, that the parent, spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1 or child waives all the benefits and privileges provided by the workers' compensation laws if the board finds that the waiver is not a prerequisite condition to employment;

Sec. 46. 39-A MRSA §102, sub-§11, ¶B-1, as amended by PL 2007, c. 350, §2, is further amended by amending subparagraph (1), division (b) to read:

(b) Performs all of the wood harvesting alone or with the assistance of one or more of the following persons whose relationship with the person is that of spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1, parent, sibling, child, niece or nephew;

Sec. 47. 39-A MRSA §102, sub-§11, ¶B-1, as amended by PL 2007, c. 350, §2, is further amended by amending subparagraph (2) to read:

(2) A spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1, parent, sibling, child, niece or nephew of a person who contracts directly with the landowner to perform all of the wood harvesting alone or with the assistance of one or more of the following: the person's spouse, domestic partner as defined in Title 24, section 2319-A, subsection 1, parent, sibling, child, niece or nephew; or