

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1118

H.P. 773

House of Representatives, March 20, 2009

An Act To Expand Rights for Maine Families

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FOSSEL of Alna.
Cosponsored by Representatives: BICKFORD of Auburn, CHASE of Wells, GILES of Belfast,
JOHNSON of Greenville, LANGLEY of Ellsworth, STRANG BURGESS of Cumberland.

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

2 Sec. 1. 22 MRSA c. 712 is enacted to read:

3 CHAPTER 712

4 REGISTERED DOMESTIC PARTNERSHIPS

5 §3041. Definition

6 As used in this chapter, "registered domestic partners" means domestic partners who
7 are registered in accordance with section 2710.

8 §3042. Rights and obligations

9 1. Rights; responsibilities. Registered domestic partners have the same rights,
10 protections and benefits and are subject to the same responsibilities, obligations and
11 duties under law, whether they derive from statute, administrative rule, court rule,
12 government policy, common law or any other provision or source of law, as are granted
13 to and imposed upon spouses.

14 2. Former registered domestic partners. Former registered domestic partners have
15 the same rights, protections and benefits and are subject to the same responsibilities,
16 obligations and duties under law, whether they derive from statute, administrative rule,
17 court rule, government policy, common law or any other provision or source of law, as
18 are granted to and imposed upon former spouses.

19 3. Surviving registered domestic partner. A surviving registered domestic partner,
20 following the death of the other partner, has the same rights, protections and benefits and
21 is subject to the same responsibilities, obligations and duties under law, whether they
22 derive from statute, administrative rule, court rule, government policy, common law or
23 any other provision or source of law, as are granted to and imposed upon a surviving
24 spouse.

25 4. Children. The rights and obligations of registered domestic partners with respect
26 to a child of either of them are the same as those of spouses. The rights and obligations
27 of former or surviving registered domestic partners with respect to a child of either of
28 them are the same as those of former or surviving spouses.

29 5. Federal law. To the extent that provisions of the laws of this State adopt, refer to
30 or rely upon provisions of federal law in a way that otherwise would cause registered
31 domestic partners to be treated differently than spouses, registered domestic partners must
32 be treated by the laws of this State as if federal law recognized a domestic partnership in
33 the same manner as the laws of this State.

34 6. Nondiscrimination. Registered domestic partners have the same rights regarding
35 nondiscrimination as those provided to spouses. A public agency in this State may not
36 discriminate against any person or couple on the ground that the person is a registered
37 domestic partner rather than a spouse or that they are registered domestic partners rather
38 than spouses. Where necessary to implement the rights of domestic partners under this

1 chapter, gender-specific terms referring to spouses must be construed to include domestic
2 partners.

3 **7. No effect on other recognitions of relationships.** This chapter is not intended to
4 repeal or adversely affect any other ways in which relationships between adults may be
5 recognized or given effect in this State or the legal consequences of those relationships,
6 including, but not limited to, marriage, enforcement of powers of attorney and
7 appointment of conservators or guardians.

8 **Sec. 2. Maine Revised Statutes headnote amended; revision clause.** In the
9 Maine Revised Statutes, Title 22, Part 6, in the Part headnote, the words "births,
10 marriages and deaths" are amended to read "births, marriages, registered domestic
11 partnerships and deaths" and the Revisor of Statutes shall implement this revision when
12 updating, publishing or republishing the statutes.

13 **Sec. 3. Effective date.** This Act takes effect January 1, 2010.

14 **SUMMARY**

15 This bill provides that registered domestic partners have the same rights, protections
16 and benefits and are subject to the same responsibilities, obligations and duties under law,
17 whether they derive from statute, administrative rule, court rule, government policy,
18 common law or any other provision or source of law, as are granted to and imposed upon
19 spouses.

20 The delayed effective date of January 1, 2010 is included to provide time for
21 preparations for the change in the law.