

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 380

S.P. 145

In Senate, February 4, 2025

An Act to Amend Certain Laws Regarding Gender-affirming Health Care Services

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HAGGAN of Penobscot.
Cosponsored by Senator: CYRWAY of Kennebec, Representatives: CARUSO of Caratunk,
COLLINS of Sidney, DRINKWATER of Milford, GUERRETTE of Caribou, HAGGAN of
Hampden, PAUL of Winterport, WHITE of Guilford.

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

2 **Sec. 1. 5 MRSA §90-B, sub-§1, ¶B**, as amended by PL 2023, c. 648, Pt. D, §1, is
3 further amended to read:

4 B. "Application assistant" means an employee of a state or local agency or of a
5 nonprofit program that provides counseling, referral, shelter or other specialized
6 service to victims of domestic violence, sexual assault, stalking or human trafficking
7 or to minor victims of kidnapping ~~or that provides services related to legally protected~~
8 ~~health care activity~~ who has been designated by the respective agency and trained,
9 accepted and registered by the secretary to assist individuals in the completion of
10 program participation applications.

11 **Sec. 2. 5 MRSA §90-B, sub-§1, ¶B-1**, as enacted by PL 2023, c. 648, Pt. D, §2, is
12 repealed.

13 **Sec. 3. 5 MRSA §90-B, sub-§1, ¶C-1**, as enacted by PL 2023, c. 648, Pt. D, §3, is
14 repealed.

15 **Sec. 4. 5 MRSA §90-B, sub-§1, ¶F-1**, as enacted by PL 2023, c. 648, Pt. D, §4, is
16 repealed.

17 **Sec. 5. 5 MRSA §90-B, sub-§2**, as amended by PL 2023, c. 648, Pt. D, §5, is further
18 amended to read:

19 **2. Program established.** The Address Confidentiality Program is established to
20 protect victims of domestic violence, sexual assault, stalking or human trafficking; and
21 minor victims of kidnapping; and reproductive or gender-affirming health care services
22 ~~practitioners~~ by authorizing the use of designated addresses for such victims and
23 ~~practitioners~~. The program is administered by the secretary under the following application
24 and certification procedures.

25 A. Upon recommendation of an application assistant, an adult person, a parent or
26 guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated
27 person may apply to the secretary to have a designated address assigned by the
28 secretary to serve as the person's address or the address of the minor or incapacitated
29 person.

30 B. The secretary may approve an application only if it is filed with the office of the
31 secretary in the manner established by rule and on a form prescribed by the secretary.
32 A completed application must contain:

33 (1) The application preparation date, the applicant's signature and the signature
34 and registration number of the application assistant who assisted the applicant in
35 applying to be a program participant;

36 (2) A designation of the secretary as agent for purposes of service of process and
37 for receipt of first-class mail;

38 (3) The mailing address where the applicant may be contacted by the secretary or
39 a designee and the telephone number or numbers where the applicant may be called
40 by the secretary or the secretary's designee; and

1 (4) One or more addresses that the applicant requests not be disclosed for the
2 reason that disclosure will jeopardize the applicant's safety or increase the risk of
3 violence to the applicant or members of the applicant's household.

4 C. Upon receipt of a properly completed application, the secretary may certify the
5 applicant as a program participant. A program participant is certified for 4 years
6 following the date of initial certification unless the certification is withdrawn or
7 invalidated before that date. The secretary shall send notification of lapsing
8 certification and a reapplication form to a program participant at least 4 weeks prior to
9 the expiration of the program participant's certification.

10 D. The secretary shall forward first-class mail to the appropriate program participants.

11 E. A person who violates this paragraph commits a Class E crime.

12 (1) An applicant may not file an application knowing that it:

13 (a) Contains false or incorrect information; or

14 (b) Falsely claims that disclosure of the applicant's address or mailing address
15 threatens the safety of the applicant or the applicant's children or the minor or
16 incapacitated person on whose behalf the application is made.

17 (2) An application assistant may not assist or participate in the filing of an
18 application that the application assistant knows:

19 (a) Contains false or incorrect information; or

20 (b) Falsely claims that disclosure of the applicant's address or mailing address
21 threatens the safety of the applicant or the applicant's children or the minor or
22 incapacitated person on whose behalf the application is made.

23 **Sec. 6. 10 MRSA §8012**, as enacted by PL 2023, c. 648, Pt. E, §1, is repealed.

24 **Sec. 7. 14 MRSA §402, sub-§2-A**, as enacted by PL 2023, c. 648, Pt. B, §1, is
25 repealed.

26 **Sec. 8. 14 MRSA §402, sub-§2-B**, as enacted by PL 2023, c. 648, Pt. B, §2, is
27 repealed.

28 **Sec. 9. 14 MRSA §403, sub-§1-A**, as enacted by PL 2023, c. 648, Pt. B, §3, is
29 repealed.

30 **Sec. 10. 14 MRSA §403, sub-§2**, as amended by PL 2023, c. 648, Pt. B, §4, is
31 further amended to read:

32 **2. Submission of foreign subpoena.** ~~Except as provided in subsection 4, when~~ When
33 a party submits a foreign subpoena to a clerk of court in the State, the clerk, in accordance
34 with that court's procedure, shall promptly issue a subpoena for service upon the person to
35 which the foreign subpoena is directed.

36 **Sec. 11. 14 MRSA §403, sub-§4**, as enacted by PL 2023, c. 648, Pt. B, §5, is
37 repealed.

38 **Sec. 12. 14 MRSA c. 763**, as amended, is repealed.

39 **Sec. 13. 15 MRSA §203, sub-§5**, as enacted by PL 2023, c. 648, Pt. C, §1, is
40 repealed.

1 **Sec. 14. 16 MRSA §642, sub-§3**, as enacted by PL 2023, c. 648, Pt. C, §2, is
2 repealed.

3 **Sec. 15. 22 MRSA §1711-C, sub-§1, ¶A-2**, as enacted by PL 2023, c. 648, Pt. F,
4 §1, is repealed.

5 **Sec. 16. 22 MRSA §1711-C, sub-§1, ¶B-1**, as enacted by PL 2023, c. 648, Pt. F,
6 §2, is repealed.

7 **Sec. 17. 22 MRSA §1711-C, sub-§1, ¶G-1**, as enacted by PL 2023, c. 648, Pt. F,
8 §3, is repealed.

9 **Sec. 18. 22 MRSA §1711-C, sub-§1, ¶G-2**, as enacted by PL 2023, c. 648, Pt. F,
10 §4, is repealed.

11 **Sec. 19. 22 MRSA §1711-C, sub-§8**, as repealed and replaced by PL 2023, c. 648,
12 Pt. F, §5, is repealed and the following enacted in its place:

13 **8. Prohibited disclosure.** A health care practitioner, facility or state-designated
14 statewide health information exchange may not disclose health care information for the
15 purpose of marketing or sales without written or oral authorization for the disclosure.

16 **Sec. 20. 24 MRSA §2513**, as enacted by PL 2023, c. 648, Pt. E, §2, is repealed.

17 **Sec. 21. 24-A MRSA §2159-F**, as amended by PL 2023, c. 648, Pt. E, §3, is further
18 amended by amending the section headnote to read:

19 **§2159-F. Discrimination based solely on provision of reproductive health care**
20 **services in medical malpractice insurance based solely on legally protected**
21 **health care activity**

22 **Sec. 22. 24-A MRSA §2159-F, sub-§1, ¶B**, as repealed by PL 2023, c. 648, Pt.
23 E, §3, is reenacted to read:

24 B. "Health care professional who provides reproductive health care services" means a
25 health care professional who provides, authorizes, recommends, aids, assists, refers for
26 or otherwise participates in an abortion or any other reproductive health care services
27 provided for the purpose of an abortion performed on an individual.

28 **Sec. 23. 24-A MRSA §2159-F, sub-§1, ¶C**, as enacted by PL 2023, c. 648, Pt. E,
29 §3, is repealed.

30 **Sec. 24. 24-A MRSA §2159-F, sub-§1, ¶D**, as enacted by PL 2023, c. 648, Pt. E,
31 §3, is repealed.

32 **Sec. 25. 24-A MRSA §2159-F, sub-§2**, as amended by PL 2023, c. 648, Pt. E, §3,
33 is further amended to read:

34 **2. Discrimination prohibited.** An insurer that provides medical malpractice
35 insurance in this State may not refuse to issue or renew coverage, cancel or restrict
36 coverage, ~~impose any sanctions, fines, penalties or rate increases~~ or require the payment of
37 additional charges by a health care professional who ~~engages in legally protected health~~
38 ~~care activity or aids and assists legally protected health care activity~~ provides reproductive
39 health care services on the sole basis that the health care professional is acting in violation
40 of another state's law ~~related to legally protected health care activity or aiding and assisting~~
41 ~~legally protected health care activity~~ or is subject to an adverse action against the health

1 care professional's license in another state for a violation of that state's law ~~related to legally~~
2 ~~protected health care activity or aiding and assisting legally protected health care activity.~~

3 **Sec. 26. 24-A MRSA §2159-F, sub-§3**, as amended by PL 2023, c. 648, Pt. E, §3,
4 is further amended to read:

5 **3. Action based on adverse action in another state prohibited.** An insurer that
6 provides medical malpractice insurance in this State may not refuse to issue or renew
7 coverage, cancel or restrict coverage or require the payment of additional charges by a
8 health care professional who ~~engages in legally protected health care activity or aids and~~
9 ~~assists legally protected health care activity~~ provides reproductive health care services as a
10 result of an adverse action against the health care professional's license in another state if
11 the adverse action is solely based on a violation of the other state's law ~~related to legally~~
12 ~~protected health care activity or aiding and assisting legally protected health care activity~~
13 that prohibits abortion and any related reproductive health care services in that state or for
14 a resident of that state.

15 **Sec. 27. 24-A MRSA §4301-A, sub-§1-A**, as enacted by PL 2023, c. 648, Pt. E,
16 §4, is repealed.

17 **Sec. 28. 24-A MRSA §4301-A, sub-§5-A**, as enacted by PL 2023, c. 648, Pt. E,
18 §5, is repealed.

19 **Sec. 29. 24-A MRSA §4301-A, sub-§8-A**, as enacted by PL 2023, c. 648, Pt. E,
20 §6, is repealed.

21 **Sec. 30. 24-A MRSA §4301-A, sub-§17-A**, as enacted by PL 2023, c. 648, Pt. E,
22 §7, is repealed.

23 **Sec. 31. 24-A MRSA §4303, sub-§2, ¶B**, as amended by PL 2023, c. 648, Pt. E,
24 §8, is further amended to read:

25 B. All credentialing decisions, including those granting, denying or withdrawing
26 credentials, must be in writing. The provider must be provided with all reasons for the
27 denial of an application for credentialing or the withdrawal of credentials. A
28 withdrawal of credentials must be treated as a provider termination and is subject to
29 the requirements of ~~subsections~~ subsection 3-A and 3-C.

30 **Sec. 32. 24-A MRSA §4303, sub-§3, ¶A**, as amended by PL 2023, c. 648, Pt. E,
31 §9, is further amended to read:

32 A. For the purposes of this section, "to advocate for medically appropriate health care"
33 means to discuss or recommend a course of treatment, ~~including gender-affirming~~
34 ~~health care services and reproductive health care services~~, to an enrollee; to appeal a
35 managed care plan's decision to deny payment for a service, ~~including gender-affirming~~
36 ~~health care services and reproductive health care services~~, pursuant to an established
37 grievance or appeal procedure; or to protest a decision, policy or practice that the
38 provider, consistent with the degree of learning and skill ordinarily possessed by
39 reputable providers, reasonably believes impairs the provider's ability to provide
40 medically appropriate health care, ~~including gender-affirming health care services and~~
41 ~~reproductive health care services~~, to the provider's patients.

