

MAINE STATE LEGISLATURE

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RES

L.D. 1579

DATE: 3-19-04

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

HOUSE AMENDMENT "H" to COMMITTEE AMENDMENT "A" to H.P. 1152, L.D. 1579, Bill, "An Act To Promote the Financial Security of Maine's Families and Children"

Amend the amendment in section 1 in subsection 1 in the first line (page 1, line 30 in amendment) by striking out the following: "Definition." and inserting in its place the following: 'Definition; family or household member.'

Further amend the amendment in section 1 in subsection 1 by striking out all of the last underlined sentence (page 1, lines 37 to 40 in amendment)

Further amend the amendment by inserting after section 1 the following:

'Sec. 2. 15 MRSA §321, sub-§1-A is enacted to read:

1-A. Definition; domestic partner. For purposes of this section, "domestic partner" means a mentally competent adult offender's partner who:

A. Is a mentally competent adult;

B. Is legally domiciled with the offender and has been for at least the immediately preceding 12 months;

C. Is not legally married to or legally separated from another individual;

HOUSE AMENDMENT

H. of S.

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1152, L.D. 1579

2 D. Is the sole partner of the offender and expects to
3 remain so; and

4
5 E. Is jointly responsible with the offender for each
6 other's common welfare as evidenced by both joint financial
7 arrangements and joint ownership of real or personal
8 property for at least the immediately preceding 12 months.

10 **Sec. 3. 18-A MRSA §1-201, sub-§(10-A) is enacted to read:**

12 (10-A) "Domestic partner" means an individual's partner who:

14 (a) Is a mentally competent adult as is or was the
15 individual;

16 (b) Is legally domiciled with the individual and has been
17 for at least the immediately preceding 12 months. If the
18 individual is a decedent, the partner and the decedent must
19 have been legally domiciled together for at least the 12
20 months immediately preceding the decedent's death, including
21 any separation due to illness;

24 (c) Is not legally married to or legally separated from
25 another person;

26 (d) Is the sole partner of the individual and expects to
27 remain so; and

30 (e) Is jointly responsible with the individual for each
31 other's common welfare as evidenced by both joint financial
32 arrangements and joint ownership of real or personal
33 property for at least the immediately preceding 12 months.

34 For purposes of this subsection, "individual" means a decedent,
35 ward, person alleged to be incapacitated, incapacitated person,
36 person to be protected or protected person as applicable.'

38 Further amend the amendment in section 2 in subsection (17)
40 by striking out all of the last underlined sentence (page 1,
41 lines 48 to 51 in L.D.)

42 Further amend the amendment in section 3 in subsection (20)
44 in the 8th, 9th, 10th and 11th lines (page 2, lines 12 to 15 in
45 amendment) by striking out the following: "For purposes of this
46 subsection, "domestic partners" are persons that bear the same
47 relationship to each other as do persons meeting the requirements
48 set forth in Title 24, section 2319-A, subsection 1."

50 Further amend the amendment in section 4 in section

HOUSE AMENDMENT

R.O.S.

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1152, L.D. 1579

2 "§2-102." by striking out all of the last underlined indented paragraph (page 2, lines 47 to 50 in amendment)

4 Further amend the amendment in section 5 in that part designated "§2-103." in subsection (5) by striking out all of the last underlined indented paragraph (page 4, lines 1 to 4 in amendment)

8 Further amend the amendment by striking out all of sections 6 and 7 and inserting in their place the following:

12 'Sec. 6. 18-A MRSA §3-203, sub-§(a), ¶¶(2) and (4), as enacted by PL 1979, c. 540, §1, are amended to read:

14 (2) The surviving spouse or surviving domestic partner of the decedent who is a devisee of the decedent;

18 (4) The surviving spouse or surviving domestic partner of the decedent;

20 Sec. 7. 18-A MRSA §5-309, sub-§(a), ¶(1), as enacted by PL 1979, c. 540, §1, is amended to read:

24 (1) The ward or the person alleged to be incapacitated and his the ward's or person's spouse, parents and, adult children and any domestic partner known to the court;

28 Further amend the amendment in section 8 in subsection (c) by striking out all of the 2nd underlined blocked paragraph from the end (page 5, lines 31 to 35 in L.D.)

32 Further amend the amendment by striking out all of sections 9, 10 and 11 and inserting in their place the following:

34 'Sec. 9. 18-A MRSA §5-311, sub-§(b), ¶(2), as enacted by PL 1979, c. 540, §1, is amended to read:

38 (2) The spouse or domestic partner of the incapacitated person;

40 Sec. 10. 18-A MRSA §5-311, sub-§(c), ¶(1), as enacted by PL 1995, c. 51, §1, is amended to read:

44 (1) The spouse or domestic partner of the incapacitated person;

46 Sec. 11. 18-A MRSA §5-404, sub-§(a), as enacted by PL 1979, c. 540, §1, is amended to read:

48 (a) The person to be protected, any person who is

HOUSE AMENDMENT

interested in his the estate, affairs or welfare of the person to
be protected, including his the parent, guardian, or custodian,
or domestic partner of the person to be protected, or any person
who would be adversely affected by lack of effective management
of his the property and affairs of the person to be protected may
petition for the appointment of a conservator or for other
appropriate protective order.'

Further amend the amendment in section 12 in subsection
(a-1) by striking out all of the 2nd underlined blocked paragraph
from the end (page 7, lines 8 to 12 in amendment)

Further amend the amendment by striking out all of sections
13 and 14 and inserting in their place the following:

'Sec. 13. 18-A MRSA §5-410, sub-§(a), ¶(3), as enacted by PL
1979, c. 540, §1, is amended to read:

(3) The spouse or domestic partner of the protected person;'

Further amend the amendment in section 15 in subsection 2 by
striking out all of the last underlined sentence (page 8, lines
13 to 17 in amendment) and inserting in its place the following:
'For purposes of this subsection, "domestic partner" has the same
meaning as set forth in Title 22, section 2843-A, subsection 1,
paragraph B-1.'

Further amend the amendment by inserting after section 15
the following:

'Sec. 16. 22 MRSA §2843-A, sub-§1, ¶B-1 is enacted to read:

B-1. "Domestic partner" means a mentally competent adult
subject's partner who:

(1) Is a mentally competent adult;

(2) Was legally domiciled with the subject for at
least the immediately preceding 12 months;

(3) Is not legally married to or legally separated
from another person;

(4) Was the sole partner of the subject; and

(5) Was jointly responsible with the subject for each
other's common welfare as evidenced by both joint
financial arrangements and joint ownership of real or
personal property for at least the immediately
preceding 12 months.'

R.C.S.

HOUSE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to H.P. 1152,
L.D. 1579

2 Further amend the amendment in section 16 in paragraph D by
striking out all of subparagraph (1) (page 8, lines 26 to 30 in
4 amendment) and inserting in its place the following:

6 '(1) The spouse or domestic partner;

8 Further amend the amendment in section 17 in subsection 3 by
striking out all of the last underlined sentence (page 9, lines
10 13 to 16 in amendment)

12 Further amend the amendment in section 18 in that part
designated "§2846." in the first paragraph by striking out all of
14 the last underlined sentence (page 9, lines 32 to 36 in
amendment) and inserting in its place the following: 'For
16 purposes of this section, "domestic partner" has the same meaning
as set forth in section 2843-A, subsection 1, paragraph B-1.'

18 Further amend the bill by relettering or renumbering any
20 nonconsecutive Part letter or section number to read
consecutively.

22
24 **SUMMARY**

26 This amendment adds the definition of "domestic partner" to
the statutes governing protective orders between family members.
28 It also adds the definition to the Probate Code and to the
statutes governing death certificates and the responsibility for
30 the remains of the deceased. The definition clarifies that the 2
partners must have been legally domiciled together for the
32 immediately preceding 12 months and that joint financial
arrangements and joint property ownership must have existed for
34 the same period. It deletes amendments to laws for protection
from abuse.

36 This amendment deletes cross-references to the "domestic
38 partner" provisions in the Maine Revised Statutes, Title 24.

40
42 SPONSORED BY: William S. Norbert
(Representative NORBERT)

44 TOWN: Portland

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