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M
R.D.S.

L.D. 1579

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DATE: 3. 30. 04

(Filing No. S-476)

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10 STATE OF MAINE
12 SENATE
12 121ST LEGISLATURE
12 SECOND SPECIAL SESSION

14

16 SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P.
16 1152, L.D. 1579, Bill, "An Act To Promote the Financial Security
of Maine's Families and Children"

18

20 Amend the amendment in section 1 in subsection 1 by striking
20 out all of the last underlined sentence (page 1, lines 37 to 40
in amendment) and inserting in its place the following:

22

24 'For purposes of this subsection, "domestic partners" are persons
24 who are members of a domestic partnership registered under Title
22, section 2710.'

26

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

30

'Sec. 2. 18-A MRSA §1-201, sub-§(10-A) is enacted to read:

32

34 (10-A) "Domestic partner" means an individual who is a
34 member of a domestic partnership registered under Title 22,
section 2710.'

36

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

40

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

46

2 Further amend the amendment in section 4 in section
"§2-102." by striking out all of the last underlined indented
paragraph (page 2, lines 47 to 50 in amendment)

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

8
10 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
16 (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
22 **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
26 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 blocked paragraph from the end
30 (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
36 '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
42 **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
48 **Sec. 11. 18-A MRSA §5-404, sub-§(a),** as enacted by PL 1979, c.
540, §1, is amended to read:

50 (a) The person to be protected, any person who is
interested in his the estate, affairs or welfare of the person to

2 be protected, including his the parent, guardian, or custodian,
3 or domestic partner of the person to be protected, or any person
4 who would be adversely affected by lack of effective management
5 of his the property and affairs of the person to be protected may
6 petition for the appointment of a conservator or for other
7 appropriate protective order.'

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

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

14 'Sec. 13. 18-A MRSA §5-410, sub-§(a), ¶(3), as enacted by PL
15 1979, c. 540, §1, is amended to read:

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

20 Sec. 14. 19-A MRSA §4002, sub-§4, as enacted by PL 1995, c.
21 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

22 4. **Family or household members.** "Family or household
23 members" means spouses or domestic partners or former spouses or
24 former domestic partners, individuals presently or formerly
25 living together as spouses, natural parents of the same child,
26 adult household members related by consanguinity or affinity or
27 minor children of a household member when the defendant is an
28 adult household member and, for the purposes of this chapter
29 only, includes individuals presently or formerly living together
30 and individuals who are or were sexual partners. Holding oneself
31 out to be a spouse is not necessary to constitute "living as
32 spouses." For purposes of this subsection, "domestic partners"
33 are persons who are members of a domestic partnership registered
34 under Title 22, section 2710.

36 Sec. 15. 22 MRSA §2710 is enacted to read:

38 **§2710. Domestic partner registry**

40 1. **Registry.** The Office of Health Data and Program
41 Management, referred to in this section as "the office," shall
42 establish a domestic partner registry.

44 2. **Registration.** To register a domestic partnership, the
45 domestic partners must file a declaration of domestic
46 partnership. The office shall register the declaration of
47 domestic partnership in the domestic partner registry and shall
48

2 return a copy of the declaration form to the domestic partners at
3 the address provided as their common residence. The office may
4 charge a fee for registering a domestic partnership of not more
5 than the actual cost of processing the registration.

6 3. Termination. This subsection applies to the termination
7 of domestic partnerships.

8
9 A. A domestic partnership terminates when:

10
11 (1) One of the domestic partners dies; or

12
13 (2) A notice of termination of domestic partnership
14 has been filed with the office.

15
16 B. Notwithstanding paragraph A, subparagraph (1), the
17 rights conferred on a domestic partner by sections 2843,
18 2843-A and 2846, and Title 18-A, Articles 1 to 3 are not
19 terminated by the death of the other domestic partner.

20
21 C. Within 90 days of no longer meeting the criteria for
22 domestic partnership under subsection 5, at least one of the
23 former domestic partners shall file, by certified mail, a
24 notice of termination with the office. Upon receipt, the
25 office shall provide the domestic partner who filed the
26 notice of termination with 2 copies of the notice, marked
27 "filed." Unless the partners jointly file the notice of
28 termination, the partner who filed the notice shall within 5
29 days send by certified mail a copy of the filed notice to
30 the other domestic partner's last known address. The office
31 may not charge a fee for filing a notice of termination.

32
33 This paragraph does not apply if the termination is due to
34 the death of one of the domestic partners.

35
36 D. The termination is effective upon the filing of the
37 notice of termination with the office by one or both
38 partners or on the date of the death of one of the domestic
39 partners.

40
41 E. A former domestic partner who has given a copy of the
42 declaration of domestic partnership to any 3rd party to
43 qualify for any benefit or right and whose receipt of that
44 benefit or enjoyment of that right has not otherwise
45 terminated shall, upon termination of the domestic
46 partnership, give or send to the 3rd party written
47 notification that the domestic partnership has been
48 terminated. A 3rd party that suffers a loss as a result of
49 failure by the domestic partner to provide this notice is

2 entitled to seek recovery from the domestic partner who was
3 obligated to send the notice for any actual loss that
4 resulted from the failure.

5 F. Failure to provide notice to 3rd parties as required in
6 paragraph E may not delay or prevent the termination of the
7 domestic partnership.

8 **4. Forms, distribution.** The office shall develop standard
9 forms for the declaration of domestic partnership and the notice
10 of termination of domestic partnership.

11 A. The declaration of domestic partnership form must
12 require each individual who wants to become a domestic
13 partner to:

14 (1) State that the individual meets the requirements
15 of subsection 5 at the time the form is signed;

16 (2) Provide a mailing address;

17 (3) Sign the form under penalty of perjury; and

18 (4) Have a notary public acknowledge the individual's
19 signature.

20 B. The notice of termination of domestic partnership form
21 must require that a notary public acknowledge the signature
22 of each domestic partner who files the form with the office.

23 C. The office shall make the forms available to municipal
24 clerks and registers of probate and shall distribute the
25 forms upon request. The form must be available on the
26 office's publicly accessible site on the Internet.

27 **5. Domestic partnership; definition.** "Domestic
28 partnership" means the legal relationship that is formed between
29 2 individuals under this subsection. Two individuals may form a
30 domestic partnership if they meet the following criteria:

31 A. Each individual is a mentally competent adult;

32 B. The 2 individuals have been legally domiciled with each
33 other for at least 12 months;

34 C. Neither individual is legally married to, legally
35 separated from or registered in a domestic partnership with
36 another individual;

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

2 This amendment provides for a process of registering the
termination of a domestic partnership.

4 This amendment makes all references to "domestic partner"
6 consistent with the Maine Revised Statutes, Title 22, section
2710.

8 **FISCAL NOTE REQUIRED**
(See attached)

10

12

14

SPONSORED BY:



(Senator PENDLETON)

16

COUNTY: Cumberland

18

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1579

**An Act To Promote the Financial Security of Maine's Families and
Children**

LR 2058(10)

Fiscal Note for Senate Amendment " " to Committee Amendment **B**

Sponsor: Sen. Pendleton

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Human Services can be absorbed utilizing existing resources and the fees authorized in the legislation.