

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 716

H.P. 499

House of Representatives, February 24, 2009

**An Act To Change the Definition of "Domestic Partner" in the Laws
Governing Custody of Remains**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PRATT of Eddington.

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

2 **Sec. 1. 22 MRSA §2843-A, sub-§1, ¶D**, as amended by PL 2003, c. 672, §19, is
3 further amended to read:

4 D. "Next of kin" means a person having the following relationship to the subject, in
5 the following order of priority:

6 (1) The spouse;

7 (1-A) A domestic partner. For purposes of this section, "domestic partner"
8 means ~~one of 2 unmarried adults who are domiciled together under long term~~
9 ~~arrangements that evidence a commitment to remain responsible indefinitely for~~
10 ~~each other's welfare;~~ the partner of the subject who:

11 (a) Is a mentally competent adult;

12 (b) Had been legally domiciled with the subject for at least 12 months
13 immediately preceding the death of the subject;

14 (c) Is not legally married to or legally separated from another individual;

15 (d) Was the sole partner of the subject; and

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

19 (2) An adult son or daughter;

20 (3) A parent;

21 (4) An adult brother or sister;

22 (5) An adult grandchild;

23 (6) An adult niece or nephew who is the child of a brother or sister;

24 (7) A maternal grandparent;

25 (8) A paternal grandparent;

26 (9) An adult aunt or uncle;

27 (10) An adult first cousin; or

28 (11) Any other adult relative in descending order of blood relationship.

29 **SUMMARY**

30 This bill changes the definition of "domestic partner" in the laws governing the
31 custody of remains to make it consistent with other laws.