

# MAINE STATE LEGISLATURE

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Date: 3-25-22

(Filing No. H-838)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1346, L.D. 1804, "An Act To Provide Consistency in the Laws Regarding Domestic Partners"

Amend the bill by striking out all of section 20 and inserting the following:

'Sec. 20. 22 MRSA §2843-A, sub-§1, ¶D, as amended by PL 2015, c. 208, §1, is further amended by amending subparagraph (1-A) to read:

(1-A) A domestic partner. For purposes of this section, "domestic partner" means ~~the partner of the subject who; a registered domestic partner or one of 2 unmarried adults who had been domiciled together under long-term arrangements that evidenced a commitment to remain responsible indefinitely for each other's welfare, including evidence of an emotional, physical or financial relationship with the subject similar to that of a spouse;~~

(a) Is a mentally competent adult;

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

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

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

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

Amend the bill in section 24 in paragraph C in the first line (page 5, line 10 in L.D.) by inserting after the following: "decendent" the following: 'For purposes of this section, "domestic partner" means a registered domestic partner or one of 2 unmarried adults who had been domiciled together under long-term arrangements that evidenced a commitment to remain responsible indefinitely for each other's welfare, including evidence of an emotional, physical or financial relationship with the decendent similar to that of a spouse'

Amend the bill by inserting after section 41 the following:

COMMITTEE AMENDMENT

R.O.F.S

'Sec. 42. 26 MRSA §849-A is enacted to read:

**§849-A. Rules**

The Department of Labor shall adopt rules to provide guidance in the application of this subchapter to domestic partners. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The department shall make the rules available on a publicly accessible website maintained by the department.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment incorporates into the laws governing custody of the remains of deceased persons and governing anatomical gifts language from the Uniform Health Care Decisions Act that is used to determine who may act as a surrogate to make health care decisions. In circumstances in which evidence is required to verify the existence of a domestic partnership, those who have registered as domestic partners with the Department of Health and Human Services, Office of Data, Research and Vital Statistics need only show that they are registered.

This amendment directs the Department of Labor to adopt rules to provide guidance on the application of the laws governing family medical leave to domestic partners.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 130th MAINE LEGISLATURE

LD 1804

LR 2455(02)

**An Act To Provide Consistency in the Laws Regarding Domestic Partners**

**Fiscal Note for Bill as Amended by Committee Amendment** *Am(H-838)*

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to state agencies to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.