

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2023**

~~property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the~~ The Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured by the United States Constitution or the laws of the United States or of the rights secured by the Constitution of Maine or the laws of the State whenever any person, whether or not acting under color of law:

A. Violates section 4684-B; or

B. Intentionally interferes or attempts to intentionally interfere with the exercise or enjoyment by any other person of those secured rights by:

- (1) Physical force or violence against a person;
- (2) Damage or destruction of property or trespass on property;
- (3) Threatening physical force or violence against a person;
- (4) Threatening damage or destruction of property or trespass on property; or
- (5) Engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or to a close relation. For purposes of this subparagraph, "close relation" and "emotional distress" have the same meanings as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

Sec. 2. 5 MRSA §4682, sub-§1-A, as reallocated by RR 2001, c. 1, §11, is amended to read:

**1-A. Interference with rights; private actions.**

~~Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the~~ A person whose exercise or enjoyment of these the rights secured by the United States Constitution or the laws of the United States or of the rights secured by the Constitution of Maine or the laws of the State has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief whenever any person, whether or not acting under color of law:

A. Violates section 4684-B; or

B. Intentionally interferes or attempts to intentionally interfere with the exercise or enjoyment by any other person of those secured rights by:

- (1) Physical force or violence against a person;
- (2) Damage or destruction of property or trespass on property;
- (3) Threatening physical force or violence against a person;
- (4) Threatening damage or destruction of property or trespass on property; or
- (5) Engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or to a close relation. For purposes of this subparagraph, "close relation" and "emotional distress" have the same meanings as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

Sec. 3. 5 MRSA §4684-A, as amended by PL 2021, c. 366, §23, is further amended to read:

**§4684-A. Civil rights**

For purposes of this chapter and Title 17, section 2931, a person has the right to engage in lawful activities without being subject to physical force or violence, damage or destruction of property, trespass on property or the threat of physical force or violence, damage or destruction of property or trespass on property or any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or a close relation motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or gender identity. For purposes of this section, "close relation" and "emotional distress" have the same meanings as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

See title page for effective date.

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**CHAPTER 288**

**H.P. 676 - L.D. 1040**

**An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members**

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

Sec. 1. 22 MRSA §3174-KKK is enacted to read:

**§3174-KKK. Coverage for gender-affirming care**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Gender expression" means an individual's gender-related appearance and behavior, whether or not stereotypically associated with the sex assigned to the individual at birth.

B. "Gender identity" means an individual's internal sense of that individual's gender, regardless of the sex assigned to the individual at birth.

C. "Transgender individual" means an individual who identifies as a gender different from the sex assigned to the individual at birth.

**2. Reimbursement.** The department shall provide reimbursement for medically necessary treatment for or related to gender dysphoria as defined by the Diagnostic and Statistical Manual of Mental Disorders, 5th edition, published by the American Psychiatric Association or a comparable or equivalent diagnosis.

**3. Discrimination prohibited.** The department may not discriminate in its reimbursement of medically necessary treatment on the basis of a MaineCare member's gender identity or gender expression or on the basis that the MaineCare member is a transgender individual.

See title page for effective date.

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**CHAPTER 289**

**H.P. 722 - L.D. 1136**

**An Act to Clarify Term  
Limitations for Legislators,  
Constitutional Officers and the  
State Auditor**

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

**Sec. 1. 21-A MRSA §552, sub-§2,** as enacted by IB 1993, c. 1, §1 and affected by §2, is amended to read:

**2. Term.** "Term" means a full term of office or any portion of a term that began before the 3rd Wednesday in June in an odd-numbered year served by an elected official in an office subject to the provisions of this chapter.

See title page for effective date.

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**CHAPTER 290**

**H.P. 831 - L.D. 1306**

**An Act to Protect Homeowners  
from Unfair Agreements to  
Exclusively List Residential  
Real Estate for Sale**

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

**Sec. 1. 32 MRSA §13177-B** is enacted to read:

**§13177-B. Unfair agreements to list residential real estate**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Long-term agreement" means a contract or agreement between a provider and an owner under which:

(1) The owner agrees to list the owner's residential real estate for sale with the provider at a future date; and

(2) Any portion of the real estate brokerage service to be provided under the contract or agreement by the provider may be performed more than 2 years after the date the contract or agreement becomes effective.

B. "Owner" means an owner of an interest in residential real estate.

C. "Provider" means a person or entity providing or offering to provide real estate brokerage services.

D. "Recording" means presenting a document to a register of deeds for official placement in the records of the registry of deeds.

E. "Residential real estate" means real estate consisting of not less than one nor more than 4 residential dwelling units.

**2. Prohibited agreements.** A provider may not enter into or offer to enter into a long-term agreement that purports to:

A. Bind any future owner not a party to the long-term agreement;

B. Allow for the assignment by the provider of a real estate brokerage service to a 3rd party without notice to or consent of the owner;

C. Create a lien, encumbrance or other real property security interest; or

D. Obligate the owner to pay a fee or commission to the provider upon a sale or transfer of the residential real estate when the sale or transfer is not