

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.

Augusta, Maine
2023

§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.

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.

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

the result of a real estate brokerage service provided by the provider.

3. Unfair trade practice. A violation of subsection 2 is a violation of the Maine Unfair Trade Practices Act.

4. Unenforceable; recording prohibited. A long-term agreement in violation of subsection 2 is unenforceable. A person may not record or cause to be recorded a long-term agreement in violation of subsection 2. A long-term agreement in violation of subsection 2 recorded in the State does not provide actual or constructive notice against an otherwise bona fide purchaser or creditor. If a long-term agreement is recorded in violation of this subsection, a party with an interest in the residential real estate that is the subject of that long-term agreement may apply to a District Court or Superior Court in the county where the recording occurred for an order declaring the long-term agreement void and of no effect.

5. Rights of recovery. If a long-term agreement is recorded in violation of subsection 4, a party with an interest in the residential real estate that is the subject of the long-term agreement may recover actual damages, costs and attorney's fees as may be proven against the party who recorded that long-term agreement.

6. Mechanic's lien. Nothing in this section affects a lien on residential real estate established under Title 10, section 3251.

See title page for effective date.

CHAPTER 291

H.P. 858 - L.D. 1344

An Act to Improve the State's Election Laws by Amending the Laws Relating to Automatic Voter Registration

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

Sec. 1. 21-A MRSA §121, sub-§1-A, as amended by PL 2021, c. 439, §2 and affected by §15, is further amended to read:

1-A. Identification and proof. Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 30 days of an election must be advised that the registrar might not receive the application before the deadline for online, mail or 3rd-person registration or for automatic voter registration set forth in section 121-A, but that the applicant may register in person no later than the deadline for in-person registration set forth in section 121-A.

Registration applications received by the Secretary of State from outside agencies 30 days or more before an election must be transferred to the appropriate registrar's office within 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies less than 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications submitted online must be received by the Secretary of State by ~~midnight on the 21st day before election day~~ the deadline for registration set forth in section 121-A and must be transmitted to the appropriate registrar's office ~~daily~~ the next business day following receipt. Registration applications transmitted by the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233 must be received by the Secretary of State by the deadline for registration set forth in section 121-A and must be transmitted to the appropriate registrar's office the next business day following receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election. The 20-day period before the election is the closed period for outside registrations, except for those registration applications transmitted by the deadline for registration set forth in section 121-A by the Department of the Secretary of State, Bureau of Motor Vehicles pursuant to section 232 or by a source agency other than the Bureau of Motor Vehicles pursuant to section 233. The registrar shall send the notice required by section 122 no later than the 18th day before election day to all voters whose applications were submitted online, submitted by mail or submitted by a 3rd person as long as the registrar received the application by the 21st day before election day.

A person who registers in person shall show proof of identity and residency. If satisfactory proof of identity and residency ~~can not~~ cannot be provided to the registrar or deputy, the person's name is entered into the central voter registration system and placed on the incoming voting list and the person casts a challenged ballot. If the person shows satisfactory proof of identity and residency prior to voting on election day, the person's ballot is not challenged.

Sec. 2. 21-A MRSA §121-A, as amended by PL 2021, c. 439, §3 and affected by §15, is further amended to read:

§121-A. Deadline for registration

The deadline for receipt of voter registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for receipt of voter registration applications submitted online is midnight on the 21st day before