

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

of one year or more and the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraph (5); ~~or (8); (10 A) or (13).~~

See title page for effective date.

**CHAPTER 294
H.P. 962 - L.D. 1507**

**An Act to Ensure the Accuracy
of Vital Records with Respect
to Gender**

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

Sec. 1. 22 MRSA §2705, sub-§7 is enacted to read:

7. Amendment of marriage certificate following gender marker change. Amendment of a marriage certificate following gender marker change is governed by section 2805.

Sec. 2. 22 MRSA §2805 is enacted to read:

§2805. New marriage certificate following gender marker change

1. New marriage certificate. Upon receipt of an application that meets the requirements established by the department by rule, the State Registrar of Vital Statistics shall issue a new marriage certificate of a person married in this State to reflect a change of gender of the person and, if requested at the same time, to reflect the new first and middle names of the person. Notwithstanding section 2705, the new certificate may not be marked "amended."

2. Original marriage certificate sealed. When a new marriage certificate is issued under subsection 1, the state registrar shall provide a copy of the new marriage certificate to each municipal clerk who is required by law to have a copy of the marriage certificate on file. All copies of the original marriage certificate in the custody of any municipal clerk must be sealed from inspection or surrendered to the state registrar as the state registrar directs.

Sec. 3. 22 MRSA §2842, sub-§1-A is enacted to read:

1-A. Designation of gender. A death certificate for an individual must reflect the desired gender identity of the individual who has died if the person signing the certificate is aware of that desire either through a valid living will, advance health care directive or other record, including a record prepared by someone other than the individual.

Sec. 4. 22 MRSA §2842, sub-§5, as enacted by PL 2019, c. 340, §16, is amended to read:

5. Correction of certificate of death. A certificate of death filed in accordance with this section may be completed or amended at any time by means described in rules adopted by the department. The health care provider who certified the death in accordance with subsection 2-A may sign the forms, submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A health care provider may amend a certificate of death with respect to the time, date, place and circumstances of death as well as the gender of the individual who died. Forms or electronic amendments may be filed at any time after death.

See title page for effective date.

**CHAPTER 295
H.P. 1231 - L.D. 1926**

**An Act to Impose a
Moratorium on New Point
Source Waste Discharge
Licenses on the Lower
Presumpscot River**

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

Sec. 1. 38 MRSA §467, sub-§9, ¶A, as amended by PL 2021, c. 551, §§43 and 44, is further amended by amending subparagraph (4) to read:

(4) From Saccarappa Falls, also known as Sacarappa Falls, to tidewater - Class C. For the period beginning October 15, 2023 and ending January 1, 2028, there may be no new direct discharges to this segment except for any new direct storm water discharges licensed under section 413, section 420-D or article 6.

See title page for effective date.

**CHAPTER 296
S.P. 816 - L.D. 1987**

**An Act to Allow the Adjutant
General to Sell the Calais
Armory**

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

Sec. 1. 37-B MRSA §264, sub-§3, ¶S, as amended by PL 2023, c. 33, §2, is further amended to read:

S. The South Portland Air National Guard Station, located on Western Avenue, South Portland, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State