

# 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**

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

from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the station; ~~and~~

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

T. The Houlton Armory, located at 86 Pleasant Street, Houlton, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; and

**Sec. 3. 37-B MRSA §264, sub-§3, ¶U** is enacted to read:

U. The Calais Armory, located at 53 Calais Avenue, Calais, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory.

See title page for effective date.

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**CHAPTER 297**

**H.P. 887 - L.D. 1373**

**An Act to Allow Employers to Shop for Competitive Health Plan Options by Expanding the Disclosure of Health Claims Information**

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

**Sec. 1. 24-A MRSA §2803-A**, as amended by PL 2015, c. 420, §2, is further amended to read:

**§2803-A. Loss information**

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

A. "Insurance policy" means the insurance policy relating to the loss information requested pursuant to this section.

A-1. "High-cost claimant" means an individual insured whose aggregate claims exceed \$50,000 during the 12-month period preceding the request for loss information.

B. "Loss information" means the aggregate claims experience of the group insurance policy or contract. "Loss information" includes the amount of premium received, the amount of claims paid and the loss ratio. "Loss information" does not include any information or data pertaining to the medical

diagnosis, treatment or health status that identifies an individual covered under the group contract or policy.

C. "Loss ratio" means the ratio between the amount of premium received and the amount of claims paid by the insurer under the group insurance contract or policy.

**2. Disclosure of basic loss information.** Upon written request, every insurer shall provide loss information, in accordance with the minimum requirements of paragraph A, concerning a group policy or contract to its policyholder, to a former policyholder or to a school administrative unit pursuant to Title 20-A, section 1001, subsection 14, paragraph E within 21 business days of the date of the request. This subsection does not apply to a former policyholder whose coverage terminated more than 18 months prior to the date of a request. For the purposes of this subsection, "school administrative unit" has the same meaning as in Title 20-A, section 1, subsection 26.

The loss information provided by an insurer must include:

A. A minimum of 24 months of claims data or, if that period is less than 24 months, claims data for the period the policyholder, former policyholder or school administrative unit has been insured by the insurer;

B. The aggregate claims and loss ratio by month with the total medical and pharmacy claims provided separately for each month; and

C. High-cost claimant reports when there are more than 25 enrollees covered under the group policy. High-cost claimant reports must coincide with the time frames of any loss ratio reports and must include, at a minimum, enrollment status of active or terminated insureds and primary diagnosis.

**3. Transmittal of request.** An insurance contractor or producer or other authorized representative who receives a request for loss information in accordance with this section shall transmit the request for loss information to the insurer within 4 business days. An insurer receiving a disclosure request under subsection 2 may transmit high-cost claimant data directly to another insurer or underwriter, or to a contractor or producer that has signed with that insurer a business associate agreement that is in accordance with 45 Code of Federal Regulations, Sections 164.502(e) and 164.504(e), for the purpose of securing quotes, developing actuarial reports, facilitating claim management or other activities related to quoting or managing the group health plan sponsored by the requesting group policyholder.

**4. Exception.** An insurer is not required to provide the loss information described in this section for a group