

# 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**

the minor, at the minor's request the health care professional shall transmit the form to the health care professional who will provide gender-affirming hormone therapy to the minor.

**4. Rebuttable presumption of validity.** A written consent of a minor who meets the requirements of subsection 2 that is set forth in a writing containing the information and statements required by subsection 3, paragraph B and that is signed by the minor is presumed to be a valid, informed consent to treatment for gender-affirming hormone therapy and bars an action by a parent or guardian of the minor on the grounds of battery, malpractice or any other claim for providing gender-affirming hormone therapy without consent from a parent or guardian. The presumption of validity established in this subsection may be rebutted only by evidence that the minor's consent was obtained through fraud, deception or misrepresentation of material fact.

**5. Disallowance of recovery.** Recovery is not allowed against a health care professional upon the grounds that gender-affirming hormone therapy of a minor who meets the requirements of subsection 2 was rendered without the informed consent of the minor when:

A. The health care professional, in obtaining the minor's consent, complied with the terms of this section and the standards of care among members of the same health care profession with similar training and experience situated in the same or similar communities; or

B. The health care professional received and acted in good faith on the informed written consent to gender-affirming hormone therapy given by the minor to another health care professional that contains the information and statements required by subsection 3, paragraph B.

**6. Nonseverability.** In the event that any portion of subsections 1 to 5 is held invalid, it is the intent of the Legislature that this entire section, other than subsection 7, is invalid.

**7. Authority of parent to consent unaffected.** This section does not affect the legal authority of a parent or guardian to consent to gender-affirming hormone therapy for a minor in accordance with established standards of care.

See title page for effective date.

**CHAPTER 414  
S.P. 702 - L.D. 1756**

**An Act to Protect Employee  
Freedom of Speech**

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

**Sec. 1. 26 MRSA §600-B** is enacted to read:

**§600-B. Adverse action against employee concerning certain religious or political matters prohibited**

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

A. "Political matters" means matters relating to elections for political office, political parties, proposals to change legislation, proposals to change rules or regulations, proposals to change public policy and the decision to join or support any political party or political, civic, community, fraternal or labor organization.

B. "Religious employer" means a church or convention or association of churches or an organization that is operated primarily for religious purposes and that is operated, supervised, controlled or principally supported by a church or convention or association of churches.

C. "Religious matters" means matters relating to religious belief, affiliation and practice and the decision to join or support any religious organization or association.

**2. Adverse action prohibited.** An employer or the employer's agent, representative or designee may not discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take any adverse employment action against an employee because:

A. The employee declines to attend or participate in an employer-sponsored meeting, or any portion of such a meeting, that communicates the opinion of the employer about religious or political matters;

B. The employee declines to receive or listen to a communication from the employer or the agent, representative or designee of the employer, or any portion of such a communication, that communicates the opinion of the employer about religious or political matters; or

C. The employee, or a person acting on behalf of the employee, makes a good faith report, orally or in writing, of a violation or a suspected violation of this section.

**3. Enforcement.** An aggrieved employee may bring a civil action to enforce this section no later than 90 days after the date of the alleged violation in the Superior Court for the county where the violation is alleged to have occurred or where the principal office of the employer is located. The court may award a prevailing employee all appropriate relief, including injunctive relief, reinstatement to the employee's former position or an equivalent position, back pay and reestablishment of any employee benefits, including seniority, to which

the employee would otherwise have been eligible if the violation had not occurred and any other appropriate relief as considered necessary by the court.

4. Notice. Within 30 days after the effective date of this section, an employer subject to this section shall post and keep posted a notice of employee rights under this section where employee notices are customarily placed.

5. Communications and rights not affected. This section does not:

A. Prohibit communications of information that the employer is required by law to communicate, but only to the extent of the lawful requirement;

B. Limit the rights of an employer or its agent, representative or designee to conduct meetings involving religious matters or political matters as long as attendance is wholly voluntary or to engage in communications as long as receipt or listening is wholly voluntary; or

C. Limit the rights of an employer or its agent, representative or designee from communicating to its employees any information that is necessary for such employees to perform their lawfully required job duties.

6. Exemption. This section does not apply to a religious employer.

See title page for effective date.

**CHAPTER 415**

**S.P. 788 - L.D. 1939**

**An Act to Amend the Membership of the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission have not met recently and have a backlog of business to address; and

**Whereas,** making new appointments to the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission will cause the commissions to meet and act on unfinished business; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 3 MRSA §227,** as corrected by RR 1991, c. 1, §1, is amended to read:

**§227. Maine-Canadian Legislative Advisory Commission**

The Maine-Canadian Legislative Advisory Commission, as authorized by Title 5, section 12004-K, subsection 10, ~~shall consist~~ consists of ~~8~~ 12 members, all of whom ~~shall~~ must be citizens of this State. The Speaker of the House shall appoint ~~4~~ 6 members, 2 for a term of one year and ~~2~~ 4 who must be members of the House of Representatives and who ~~shall~~ each hold office from the date of appointment until the term of election to the Legislature expires. The President of the Senate shall appoint ~~4~~ 6 members, 2 for a term of one year and ~~2~~ 4 who must be Senators and who ~~shall~~ each hold office from the date of appointment until the term of election to the Legislature expires. At least one member appointed by the President of the Senate and one member appointed by the Speaker of the House ~~shall~~ must be fluent in the French language. The legislative members appointed by the President of the Senate and the Speaker of the House must equally represent the 2 parties holding the largest number of seats in the Legislature. In the event of the death or resignation of any member, the vacancy ~~shall~~ must be filled for the remainder of the term in the same manner as the original appointment.

Members ~~shall~~ must be compensated as provided in Title 5, chapter 379. ~~Four~~ Six members ~~shall~~ constitute a quorum. The commission shall designate one of its members as ~~chairman~~ chair.

**Sec. 2. 3 MRSA §231, sub-§1,** as amended by PL 2019, c. 475, §24, is further amended to read:

**1. Commission.** The New England and Eastern Canada Legislative Commission, as established by Title 5, section 12004-K, subsection 11, and in this chapter called "the "commission," consists of ~~4~~ 8 members from Maine, together with the same number of members appointed according to the laws of each of the other member jurisdictions.

**Sec. 3. 3 MRSA §231, sub-§2,** as amended by PL 2019, c. 475, §24, is further amended to read:

**2. Membership.** The members of the commission from Maine are the ~~2~~ 4 Senators and the ~~2~~ 4 members of the House of Representatives who are appointed to the Maine-Canadian Legislative Advisory Commission pursuant to section 227.