

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

—
S.P. 594 - L.D. 1532

**An Act To Clarify Financial Responsibility in Gestational Carrier
Agreements**

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 Parentage Act goes into effect July 1, 2016, and clarification of the financial responsibility in gestational carrier agreements should be made when the Maine Parentage Act takes effect; 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. 19-A MRSA §1932, sub-§4, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

4. Reasonable expenses. A Except as provided in section 1939, a gestational carrier agreement may provide for payment of reasonable expenses, which, if paid to a prospective gestational carrier, must be negotiated in good faith between the parties.

Sec. 2. 19-A MRSA §1939 is enacted to read:

§1939. Liability for payment of gestational carrier health care costs

1. Liability for health care costs. The intended parent or parents are liable for the health care costs of the gestational carrier that are not paid by her health insurance. As used in this section, "health care costs" means the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

2. Agreement. A gestational carrier agreement must explicitly detail how the health care costs of the gestational carrier are paid. The breach of a gestational carrier

agreement by a party to the agreement does not relieve the intended parent or parents of the liability for health care costs imposed by subsection 1.

3. Effect on insurance coverage. This section is not intended to supplant any health insurance coverage that is otherwise available to the gestational carrier or an intended parent for the coverage of health care costs. This section does not change the health insurance coverage of the gestational carrier or the responsibility of the insurance company to pay benefits under a policy that covers a gestational carrier.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2016.