

MAINE STATE LEGISLATURE

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R.d.s.

L.D. 748

DATE: 6/8/95

(Filing No. H-411)

REPORT "A"
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 552, L.D. 748, Bill, "An Act to Allow Physician Assisted Deaths with Dignity for Terminally Ill Persons in Maine"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Establish the Task Force Concerning Laws on Death with Dignity'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Sec. 1. Task force established. Resolved: That the Task Force Concerning Laws on Death with Dignity, referred to in this resolve as the "task force," is established; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 20 members appointed as follows:

A. One member representing the membership of the American Association of Retired Persons, appointed by the Governor from recommendations made by the Maine Chapter of the American Association of Retired Persons;

B. One member who is an advocate for people who are provided services by the area agencies on aging, appointed by the Governor from recommendations made by the Maine Association of Area Agencies on Aging;

C. Two public members who are at least 65 years of age or whose spouse or child died as a result of a terminal illness, one appointed by the President of the

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COMMITTEE AMENDMENT "A" to H.P. 552, L.D. 748

2 Senate and one appointed by the Speaker of the House of
Representatives;

4 D. Two members representing the Advanced Directives
6 Subcommittee of the Maine State Bar Association, appointed
by the Governor from recommendations made by the Maine State
Bar Association;

8 E. One member representing persons with mental illness,
10 appointed jointly by the President of the Senate and the
12 Speaker of the House of Representatives from recommendations
made by the Alliance for the Mentally Ill of Maine;

14 F. Three physicians, at least one of whom specializes in
16 geriatric medicine and at least one of whom is an
oncologist, appointed by the Governor from recommendations
18 made by the Maine Medical Association and the Maine
Osteopathic Association;

20 G. Three members, each of whom is either a nurse, a nurse
22 practitioner or a physician's assistant, appointed by the
Governor from recommendations made by the Maine State Nurses
24 Association, the Maine Medical Association and the Maine
Osteopathic Association;

26 H. One member who is a full professor of philosophy or
ethics at a public or private college or university in Maine
28 and one member who is a law professor at the University of
Maine School of Law, appointed by the Governor;

30 I. One person providing hospice services, appointed by the
32 Governor from recommendations made by the Maine Hospice
Council;

34 J. The Senate Chair and the House Chair of the Joint
36 Standing Committee on Judiciary or their designees;

38 K. One member who is the director or in the administration
of a hospital or a unit of a hospital providing care for
40 terminally ill patients, appointed by the Governor from
recommendations made by the Maine Hospital Association; and

42 L. A retired judge or justice, appointed by the Governor,
44 who serves as chair of the task force; and be it further

46 **Sec. 3. Appointments. Resolved:** That all appointments must be
made no later than 10 days following the effective date of this
48 resolve. The appointing authorities shall notify the Executive
Director of the Legislative Council upon making their
50 appointments. When the appointment of all members is complete,

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COMMITTEE AMENDMENT "A" to H.P. 552, L.D. 748

2 the Chair of the Legislative Council shall call and convene the
first meeting of the task force no later than October 15, 1995;
and be it further

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6 **Sec. 4. Duties. Resolved:** That the task force shall study law
concerning death with dignity and, if it determines legislation
8 is needed, develop legislation containing provisions the task
force believes most appropriate. In carrying out the study, the
task force shall:

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12 A. Assess the current situation existing in Maine for
persons suffering from terminal illnesses who make elective
14 choices to terminate their lives or who are subject to
euthanasia;

16 B. Examine the laws and proposals of Oregon, the
Netherlands and other jurisdictions that have begun to
18 address this area and identify the appropriate and
inappropriate provisions of those laws and proposals;

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22 C. Examine constitutional issues;

24 D. Examine the draft legislation presented by the Joint
Standing Committee on Judiciary for the purposes of review
and comment by the task force;

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28 E. Create a public hearing process to allow and encourage
public participation by people from all perspectives
concerning laws on death with dignity; and

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32 F. Undertake any other hearings, presentations or analyses
the task force determines useful; and be it further

34 **Sec. 5. Staff assistance. Resolved:** That the task force shall
request staffing and clerical assistance from the Legislative
36 Council; and be it further

38 **Sec. 6. Compensation. Resolved:** That the members of the task
force are not entitled to per diem or reimbursement for expenses
40 or travel from the General Fund. The task force may seek,
receive and expend funds from sources other than the General
42 Fund. The Executive Director of the Legislative Council shall
administer the budget of the task force; and be it further

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46 **Sec. 7. Recommendation procedure; report. Resolved:** That the
task force shall submit a report of any findings and
recommendations with any accompanying legislation to the First
48 Regular Session of the 118th Legislature by December 1, 1996.
The task force shall use standard parliamentary procedures to
50 make final recommendations. The report must contain an

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explanation of why the task force includes in its recommendations either:

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A. The enactment of:

(1) The legislation presented by the Joint Standing Committee on Judiciary for review and comment; or

(2) Alternate legislation; or

B. That no legislation on this issue be enacted; and be it further

Sec. 8. Allocation. Resolved: The following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

1995-96 1996-97

LEGISLATURE

Task Force Concerning Laws on Death with Dignity

Personal Services	\$990	\$600
All Other	10,600	7,500
TOTAL	\$11,590	\$8,160

Allocates funds for the per diem of legislative members, expenses of all members and public hearing and miscellaneous costs of the Task Force Concerning Laws on Death with Dignity.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1995-96 1996-97

APPROPRIATIONS/ALLOCATIONS

Other Funds	\$11,590	\$8,160
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REVENUES

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Other Funds	\$11,590	\$8,160
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6 This resolve includes Other Special Revenue fund allocations
 8 of \$11,590 and \$8,160 in fiscal years 1995-96 and 1996-97,
 10 respectively, for the Legislature for the per diems of
 legislative members, expenses of all members and public hearing
 and miscellaneous costs of the Task Force Concerning Laws on
 Death with Dignity.

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14 The ability to generate this level of revenue from outside
 16 sources can not be determined. General Fund appropriations may
 be required for certain task force expenses if insufficient
 revenue is received.

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18 The additional costs to provide staffing assistance to the
 20 task force can be absorbed by the Legislature utilizing existing
 budgeted resources.'

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STATEMENT OF FACT

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28 This amendment creates the Task Force Concerning Laws on
 30 Death With Dignity. The task force consists of 20 members from
 32 various backgrounds and avocations to provide different and
 34 relevant perspectives to the questions involved in
 physician-assisted suicide laws. The task force is required to
 hold public hearings to afford full public participation by
 persons on all sides of the issue. The task force must be
 convened by October 15, 1995 by the Chair of the Legislative
 Council. The final report to the Legislature is due December 1,
 1996.

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38 A provision on the use of standard parliamentary procedures
 40 is included so that the members will work toward consensus, but
 recommendations to the Legislature will be made on the basis of
 votes.