



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2074

H.P. 1497

House of Representatives, January 4, 1990

Reported by Representative PARADIS from the Joint Standing Committee on Judiciary.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 19.

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EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act Concerning Living Wills.

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 22 MRSA §2921, sub-§4, as enacted by PL 1985, c. 186, 4 is amended to read: 6 4. Life-sustaining procedure. "Life-sustaining procedure" any medical procedure intervention that, means or when administered to a qualified patient, will serve only to prolong 8 the dying process and shall not - include - nutrition - and - hydration. 10 "Life-sustaining procedure" does not include artificially administered nutrition and hydration unless the individual elects 12 in the declaration to include artificially administered nutrition and hydration in the definition of life-sustaining procedure. 14 Sec. 2. 22 MRSA §2921, sub-§9 is enacted to read: 16 9. Artificially administered nutrition and hydration. "Artificially administered nutrition and hydration" means the 18 provision of nutrients and liquids through the use of tubes or 20 intravenous procedures. Sec. 3. 22 MRSA §2922, sub-§4, as enacted by PL 1985, c. 186, 22 is amended to read: 24 4. Suggested form. A declaration may, but need not, be in 26 the following form: 28 DECLARATION 30 If I should have an incurable or irreversible condition that 32 will cause my death within a short time, and if I am unable to participate in decisions regarding my medical treatment, I direct my attending physician to withhold or withdraw life-sustaining 34 procedures that merely prolong the dying process and are not 36 necessary to my comfort or freedom from pain. Π 38 I elect to have the term "life-sustaining procedure" yes include artificially administered nutrition and no 40 hydration. 42 I understand that if I do not make the election to include artificially administered nutrition and hydration, the law does not include artificially 44 administered nutrition and hydration in the 46 definition of "life-sustaining procedure" which may be withheld or withdrawn according to this 48 declaration.

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person to receive nourishment through spoon feedings or any other
method considered by most people as "ordinary." Any method which, under normal circumstances, requires the actions of a
physician or other licensed health care professional to initiate or maintain a life-sustaining procedure, such as inserting a
nasogastric tube, is not "ordinary" and should be considered a method of artificial administration of nutrition and hydration.

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This bill is not intended to affect the provision of care necessary for the patient's comfort or freedom from pain.

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