

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 663, L.D. 916, Bill, "An Act to Allow Physician-assisted Deaths for the Terminally Ill"

Amend the bill in section 1 in that part designated "~~§5-902.~~" by striking out all of subsection (e) and inserting in its place the following:

'(e) "Counseling" means a consultation between a counselor and a patient to carry out the purposes set forth in section 5-906.'

Further amend the bill in section 1 in that part designated "~~§5-902.~~" by inserting after subsection (j) the following:

'(k) "Next of kin" includes an adult who has exhibited special concern for the patient and who is familiar with the patient's personal values.'

Further amend the bill in section 1 in that part designated "~~§5-902.~~" by relettering the subsections to read consecutively.

Further amend the bill in section 1 in that part designated "~~§5-904.~~" by striking out all of subsection (k) and inserting in its place the following:

'(k) Either be present or ensure that a member of the patient's next of kin is present when the medication that will end the patient's life is administered.'

COMMITTEE AMENDMENT

R. of S.

2 Further amend the bill in section 1 by striking out all of
that part designated "§5-906." and inserting in its place the
4 following:

6 '§5-906. Counseling referral

8 The attending physician and the consulting physician shall
refer the patient for counseling. The counselor shall determine
10 whether the patient is suffering from a psychiatric or
psychological disorder or depression that causes impaired
12 judgment. Counseling must also include discussion about choosing
to die.

14 Medication to end a patient's life in a humane and dignified
manner may not be prescribed until the counselor determines that
16 the patient is not suffering from a psychiatric or psychological
disorder or depression that causes impaired judgment.

18 The counselor shall inquire whether the patient wishes to
20 notify next of kin if the patient has not already done so. If
requested by the patient, the counselor shall provide assistance
22 in arranging notification of or contact with the patient's next
of kin.'

24 Further amend the bill by inserting at the end before the
26 summary the following:

28 **FISCAL NOTE**

30 This bill may reduce prosecutions for Class A crimes.
32 Sentences of more than nine months imposed for Class A crimes
must be served in state correctional institutions. The savings
34 to the State per sentence is \$181,596 based upon an average
length of stay of 6 years and 10 months. The State also must
36 reimburse counties for sentences served in county jails of 9
months or less for Class A crimes.

38 The Judicial Department may realize some savings from
40 reductions of indigent defense costs associated with the minimal
number of cases that will no longer be filed in the court
42 system. The amounts of General Fund savings can not be estimated
at this time. The Judicial Department may also realize some
44 minor administrative savings from reductions of workload and
administrative costs. Reductions in the collection of fines may
46 decrease General Fund revenue by minor amounts.

48 This bill may also decrease the number of civil suits filed
in the court system. The Judicial Department may realize some
50 minor savings from reductions of workload and administrative

costs associated with the minimal number of cases that will no longer be filed. Reductions in the collection of filing fees may decrease General Fund revenue by minor amounts.

The additional costs associated with the new reporting requirements can be absorbed by the Department of Human Services utilizing existing budgeted resources.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. The amendment ensures that the required counseling in which a patient participates includes a discussion of choosing to die. It expands the definition of "next of kin" to include an adult who has exhibited special concern for the patient and who is familiar with the patient's personal values. The amendment copies language from the Uniform Health-care Decisions Act, which allocates appropriate authority to spouses and partners of a patient covered by the bill. The amendment gives the physician the option of being present when the medication to end the patient's life is administered or ensuring that a member of the patient's next of kin is present.