

MAINE STATE LEGISLATURE

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Minority

(Filing No. H-465)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1108, L.D. 1607, Bill, "An Act To Prioritize Family Members as Surrogates for Medical Decisions"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 18-A MRSA §5-805, sub-§(b), as amended by PL 1999, c. 411, §3, is further amended to read:

(b). Any member of the following classes of the patient's family who is reasonably available, in descending order of priority, may act as surrogate:

(1). The spouse, unless legally separated;

~~(1-A). An adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse;~~

(2). An adult child;

(3). A parent;

(3-A). An adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse;

(4). An adult brother or sister;

(5). An adult grandchild;

(6). An adult niece or nephew, related by blood or adoption;

(7). An adult aunt or uncle, related by blood or adoption; or

(8). Another adult relative of the patient, related by blood or adoption, who is familiar with the patient's personal values and is reasonably available for consultation.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill to give a patient's adult child and parent higher priority than a nonspousal partner to serve as a surrogate decision maker for medical decisions when the patient is unable to make or communicate decisions. The bill also allows an adult sibling a higher priority than a nonspousal partner.