

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1607

H.P. 1108

House of Representatives, May 16, 2017

An Act To Prioritize Family Members as Surrogates for Medical Decisions

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HAWKE of Boothbay Harbor. (GOVERNOR'S BILL)
Cosponsored by Senator ROSEN of Hancock and
Representatives: BLACK of Wilton, FOLEY of Wells, GERRISH of Lebanon, HANINGTON
of Lincoln, MALABY of Hancock, PICKETT of Dixfield, SANDERSON of Chelsea,
STETKIS of Canaan.

1 **Be it enacted by the People of the State of Maine as follows:**

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

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

6 (1). The spouse, unless legally separated;

7 ~~(1-A). An adult who shares an emotional, physical and financial relationship with the~~
8 ~~patient similar to that of a spouse;~~

9 (2). An adult child;

10 (3). A parent;

11 (4). An adult brother or sister;

12 (4-A). An adult who shares an emotional, physical and financial relationship with the
13 patient similar to that of a spouse;

14 (5). An adult grandchild;

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

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

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

20 **SUMMARY**

21 Current law places nonspousal partners above adult children, parents and adult
22 siblings when prioritizing who may act as a surrogate for medical decisions for an
23 incapacitated adult, including the decision to withhold or withdraw life-sustaining
24 treatment. This bill gives adult children, parents and adult siblings medical decision-
25 making priority over nonspousal partners.