

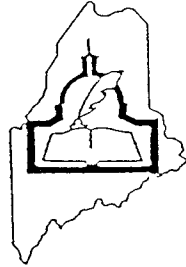
MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JUNE 1990

Staff:

Margaret J. Reinsch, Legislative Analyst
Todd R. Burrowes, Legislative Analyst

Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207) 289-1670

MEMBERS:

*Sen. Barry J. Hobbins
Sen. N. Paul Gauvreau
Sen. Muriel D. Holloway

*Rep. Patrick E. Paradis
Rep. Constance D. Cote
Rep. Gerard P. Conley, Jr.
Rep. Patricia M. Stevens
Rep. Cushman D. Anthony
Rep. Susan Farnsworth
Rep. Mary H. McBride
Rep. Dana C. Hanley
Rep. Peter G. Hastings
Rep. John H. Richards

*Denotes Chair

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
GILBERT W. BREWER
TODD R. BURROWES
GRO FLATEBO
DEBORAH C. FRIEDMAN
JOHN B. KNOX



PATRICK NORTON
HARTLEY PALLESCHI
MARGARET J. REINSCH
PAUL J. SAUCIER
JOHN R. SELSER
HAVEN WHITESIDE
JILL IPPOLITI, RES. ASST.
BARBARA A. MCGINN, RES. ASST.
BRET A. PRESTON, RES. ASST.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**One Hundred and Fourteenth Legislature
Second Regular Session**

**Joint Standing Committee
Bill Summaries**

June 1990

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

OTP
OTP-ND
OTP-ND-NT
OTP-A
ONTP
LVWD
INDEF PP

Ought to Pass
Ought to Pass in New Draft
Ought to Pass in New Draft, New Title
Ought to Pass as Amended
Ought Not to Pass
Leave to Withdraw
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

SPONSOR(S)**COMMITTEE REPORT****AMENDMENTS ADOPTED**

OTP-AM

H-1059

SUMMARY

The bill represented the recommendations of the Termination of Medical Care Study. (See report) It amended the definition of "life-sustaining procedure" to include artificially administered nutrition and hydration as a procedure which may be withheld or withdrawn if the person so states in the living will.

Committee Amendment "A" (H-1059) replaced the bill. It incorporates the 1989 Uniform Rights of the Terminally Ill Act (introduced as LD 2286) and proposals by the Maine State Bar Association. It contains Uniform Law Commissioners' Comments as well as Maine Comments on appropriate sections.

The amendment repeals the current Living Wills Statute, and enacts a slightly modified version of the Uniform Rights of the Terminally Ill Act into the Probate Code. The provisions regarding living wills are essentially the same as existing law, with the addition of the clarification of the definition of life-sustaining treatment as in the original bill. The amendment provides for the designation of a person to make life-sustaining treatment decisions for another person in the living will form. It also establishes a priority system to help physicians and other health care providers determine whose consent is necessary if no living will exists, there is no durable power of attorney and no guardian has been judicially appointed.

SPONSOR(S)**COMMITTEE REPORT****AMENDMENTS ADOPTED**CAHILL P
BRANNIGAN
WEBSTER M
ANTHONY

OTP-AM

S-602

SUMMARY

The original bill incorporated some of the recommendations of the Adoption Task Force. It required that certificates of birth issued after adoption be marked as amended, but that certificates after legitimation not be marked as amended. It broadened who may participate in the adoption registry. It also required the state registrar to provide information about available counseling services.

Committee Amendment "A" (S-602) replaced the bill. The amendment places an affirmative obligation on judges to ensure that parties to an adoption are aware of the adoption registry. It broadens who may participate in the registry, but allows the participants to choose who can contact them. An adoptee must reregister with the registry once he or she turns 18 to continue being registered. Birth certificates may be marked as amended after adoption if the parties choose. The state registrar is required to provide information about counseling services.