

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1999

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Sen. John W. Benoit

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....Bill carried over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

LD 1110 proposed to provide that, for purposes of calculating child support, disability benefits received by a child based on the disability of a nonprimary care provider must be counted toward the parental support obligation of the nonprimary care provider on whose disability the benefits are based.

Committee Amendment "A" (H-462) proposed to replace the bill. It proposed to replace the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. The amendment proposed to clarify that credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

As proposed, the child support amount may not be reduced because of the payment of the dependent benefits, and the obligor parent receives credit for the amount of dependent benefits paid, thereby reducing the amount of child support the obligor parent must pay. The credit may not exceed the child support obligation.

Enacted law summary

Public Law 1999, chapter 327 replaced the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. Credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

LD 1120

An Act to Amend the Uniform Health Care Decisions Act

PUBLIC 411

Sponsor(s)
JABAR

Committee Report
OTP-AM

Amendments Adopted
H-616

LD 1120 proposed to amend the Health Care Decisions Act concerning surrogate decision-making. It proposed to authorize a surrogate to make any health care decision, other than to withhold or withdraw life-sustaining treatment, for a patient if the patient lacks capacity and no agent or guardian exists.

The bill also proposed to expand the list of persons who can act as a surrogate for a patient. Added to the list after immediate family members is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.

Committee Amendment "A" (H-616) proposed to replace the bill. It proposed to revise the surrogate's decision-making authority to allow the surrogate, when no agent or guardian exists, to make any health care decision for a patient who lacks capacity, as determined by the primary physician, except that the surrogate may not deny surgery, procedures or interventions that are lifesaving and medically necessary. It also proposed to revise the hierarchical list of persons who can act as a surrogate by moving a person who has a spouse-like relationship with the patient to one step below a spouse.

Enacted law summary

Public Law 1999, chapter 411 amends the Uniform Health Care Decisions Act concerning health care decisions made by a surrogate. It retains the current law concerning a patient in a terminal condition or persistent vegetative state. In addition, it authorizes a surrogate to make any health care decision for a patient if the patient lacks capacity and no agent or guardian exists, except that the surrogate may not deny surgery, procedures or interventions that are life-saving and medically necessary.

Chapter 411 also expands the list of persons who can act as a surrogate for a patient. Added to the list after the spouse is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.