

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*July 2006*

**Members:**

*Sen. Barry J. Hobbins, Chair*

*Sen. Lynn Bromley*

*Sen. David R. Hastings III*

*Rep. Deborah L. Simpson, Chair*

*Rep. Sean Faircloth*

*Rep. Stan Gerzofsky*

*Rep. Marilyn E. Canavan*

*Rep. Mark E. Bryant*

*Rep. Michael Edward Dunn*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Joan Bryant-Deschenes*

*Rep. Joan M. Nass*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular Session

#### Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

## Joint Standing Committee on Judiciary

**LD 1763**

**Resolve, Concerning the Authority of “Do Not Resuscitate”  
Directives**

**RESOLVE 169  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B BRYANT M	OTP-AM	S-522

LD 1763 proposed to require emergency medical responders to follow an order to not resuscitate a patient contained in that patient's advance health-care directive.

**Committee Amendment “A” (S-522)** proposed to replace the bill with a resolve to address an individual's informed decision to refuse resuscitation. It proposed to direct the Department of Public Safety, Medical Direction and Practices Board to revise the Maine Emergency Medical Services protocols to allow emergency medical services providers to honor an individual's decision to refuse resuscitation if that decision is made available in an individual instruction that shows informed consent to the decision. The protocols must result in forms that are clear and can be made immediately available to emergency medical services providers. The amendment proposed to direct the Director of Maine Emergency Medical Services within the Department of Public Safety to report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over judiciary matters in four areas. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over judiciary matters to submit legislation to the 123rd Legislature concerning advance health-care directives and “do not resuscitate” decisions.

### *Enacted law summary*

Resolve 2005, chapter 169 addresses an individual's informed decision to refuse resuscitation. It directs the Department of Public Safety, Medical Direction and Practices Board to revise the Maine Emergency Medical Services protocols to allow emergency medical services providers to honor an individual's decision to refuse resuscitation if that decision is made available in an individual instruction that shows informed consent to the decision. The protocols must result in forms that are clear and can be made immediately available to emergency medical services providers.

Resolve 2005, chapter 169 directs the Director of Maine Emergency Medical Services within the Department of Public Safety to report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over judiciary matters about the change in protocols, the forms and the instructions developed to implement and complement the protocols, educational initiatives undertaken and planned and any recommended legislation.

Resolve 2005, chapter 169 authorizes the joint standing committee of the Legislature having jurisdiction over judiciary matters to submit legislation to the 123rd Legislature concerning advance health-care directives and “do not resuscitate” decisions.

Resolve 2005, chapter 169 was finally passed as an emergency measure effective April 7, 2006.