

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

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# STATE OF MAINE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Judiciary*

**LD 1094 An Act To Improve Tribal-state Relations**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA	ONTP	

This bill amends An Act to Implement the Maine Indian Claims Settlement by repealing language that provides that the Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, are subject to all the duties, obligations, liabilities and limitations of a municipality.

**LD 1117 An Act To Clarify the Policy for Withdrawal of Life Support from Minors**

**PUBLIC 187**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING HILLIARD	OTP-AM	S-232

This bill authorizes a physician to withhold or withdraw life sustaining treatment for a minor or institute a do-not-resuscitate order for a minor only if the authorized legal surrogate for the minor gives direction in writing. This bill specifies that an "authorized legal surrogate" does not include a legal guardian or state agency or representative for a minor when the minor's parents' full parental rights have not been terminated.

**Committee Amendment "A" (S-232)**

This amendment replaces the bill. It limits the application of the new provisions relating to withholding or withdrawing life-sustaining medical treatment to situations in which a child is in the custody of the Department of Health and Human Services. This amendment provides that a custodian of a child does not have the authority to withhold or withdraw life-sustaining medical treatment from a minor except in two situations. The custodian has the authority when the parental rights to the child have been terminated and it is in the child's best interests. The custodian also has the authority when the parental rights have not been terminated but the parents consent to that authority or, if the parents do not consent, the court determines that the nonconsenting parents are unfit by using the existing criteria in the statutes to determine the termination of parental rights and by determining that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child. This amendment includes a description of when withholding or withdrawing life-sustaining medical treatment is in the best interests of the child.

**Enacted Law Summary**

Public Law 2015, chapter 187 provides that a custodian of a child in the custody of the Department of Health and Human Services does not have the authority to withhold or withdraw life-sustaining medical treatment from the child except in two situations. The custodian has the authority when the parental rights to the child have been terminated and it is in the child's best interests. The custodian also has the authority when the parental rights have not been terminated but the parents consent to that authority or, if the parents do not consent, the court determines that the nonconsenting parents are unfit by using the existing criteria in the statutes to determine the termination of parental rights and by determining that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child. Chapter 187 includes a description of when withholding or withdrawing life-sustaining medical treatment is in the best interests of the child.