

## 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.

ROBERT B. HUNT

R(+ 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 reopie of the State of Maine as follows.
2 3	<b>Sec. 1. 18-A MRSA §5-805, sub-§(b),</b> as amended by PL 1999, c. 411, §3, is further amended to read:
4 5	<b>(b).</b> Any member of the following classes of the patient's family who is reasonably available, in descending order of priority, may act as surrogate:
6	(1). The spouse, unless legally separated;
7 8	(1-A). An adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse;
9	(2). An adult child;
10	(3). A parent;
11	(4). An adult brother or sister;
12 13	(4-A). An adult who shares an emotional, physical and financial relationship with the 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 18 19	(8). Another adult relative of the patient, related by blood or adoption, who is familiar with the patient's personal values and is reasonably available for consultation.
20	SUMMARY
21 22 23 24 25	Current law places nonspousal partners above adult children, parents and adult siblings when prioritizing who may act as a surrogate for medical decisions for an incapacitated adult, including the decision to withhold or withdraw life-sustaining treatment. This bill gives adult children, parents and adult siblings medical decision-making priority over nonspousal partners.