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HEADLINE: Senate set to vote on extending medical decision-making rights;
Legislation would create domestic-partner registry;
GENERAL ASSEMBLY

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BODY:

Jodi Kelber-Kaye was thrown out of a hospital room when her long-time partner was emerging from heart surgery.

Lisa Polyak was refused access as her partner received an anaesthetic before giving birth to their second child.

And John Lestitian was left to haggle with the estranged parents of his late partner over their son's death wishes.

All say they would have been helped by a bill up for a vote by the state Senate today that would create a registry of domestic partners and give unmarried couples such benefits as the right to make medical decisions for one another and visit each other in the hospital.

The Medical Decision Making Act of 2005 has grabbed extra attention in Annapolis given the dispute over Terri Schiavo, the brain-damaged Florida woman whose case has prompted a national debate over issues such as the role one person should play in another's medical care.

"This is about really reaffirming the rights of a person to designate who they feel would be best to carry out their wishes," said Kelber-Kaye, 40, who lives in Baltimore with her partner of 12 years and their two sons, ages 6 and 1.

"When you're worried about somebody who is ill and you want to be there for support, the last thing you need is to be fighting with a nurse just to be in the room," she said.

While the measure has been driven by the gay and lesbian rights community for the past two years, the bill applies to homosexual and heterosexual couples who consider themselves "life partners."

But opponents argue that it is nothing more than a tool to further the gay marriage movement, arguing that many of

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the rights are available through other avenues, such as wills and power of attorney.

"What the bill is really about is elevating same-sex relationships to the status of marriage," Maryland Catholic Conference Executive Director Richard Dowling said in a letter urging targeted senators to vote against the bill.

The Senate's vote today is crucial to the bill's fate. Last year, a similar bill passed the House of Delegates by a wide margin but died in a Senate committee. This year, a similar bill is expected to pass the House. Gov. Robert L. Ehrlich Jr. has yet to take a position on it.

"At this point, it would be beyond a travesty for anything to hold the bill up," said Dan Furmansky, executive director of Equality Maryland, a statewide gay advocacy organization. "There is overwhelming recognition that there is a serious problem with an easy and pragmatic remedy."

Nationwide, dozens of local governments recognize domestic partnerships for various reasons. Six other states have laws that confer benefits to unmarried couples.

"In human beings' lives, there are few times that are more important to have relationships accepted than in times of medical emergencies," said David Buckel, senior attorney at Lambda Legal in New York. "That's one reason why this law is so important to pass."

Still, Buckel said most states with domestic registries offer a broader array of protections and rights than would be available under the Maryland bill. Vermont, for example, allows same-sex couples to enter into civil unions, and in California, couples can receive nearly all the legal rights of married couples.

Critics question the motives of supporters of the Maryland bill.

"Frankly, all they're interested in doing is making a political statement and not providing a legitimate redress for a problem," said Sen. David R. Brinkley, a Republican representing parts of Carroll and Frederick counties.

Brinkley said he believes that unmarried couples deserve such rights, but he disagrees with a registry and some of the requirements for those who would be included on it, like sharing a home.

On the floor Wednesday, Sen. Paula C. Hollinger, a Baltimore County Democrat, defended the bill, saying it's not for one specific group and has nothing to do with marriage. "It's a sensitivity bill," she said.

The legislation, sponsored by Del. Joan Carter Conway, a Baltimore Democrat, would require the Department of Health and Mental Hygiene to create a registry of eligible couples, who would receive a certificate.

Eligible couples would have to be at least 18, not related and living together. Couples could not be married or members of a civil union or domestic partnership and would have to be dependent on each other.

In addition to medical decision-making and hospital visitation rights, the bill would allow partners to ride in ambulances together, share rooms in a nursing home, conduct private visits in a nursing home and make decisions related to the disposition of a partner upon death.

Advocates say that only some of these benefits can be conveyed through a will, power of attorney or other legal documents. They argue further that they shouldn't have to be rummaging through papers in times of emergency or death.

Kelber-Kaye and her partner, Stacey Kargman Kaye, 37, have had two emergency hospital situations during which they were temporarily denied access to each other. They are tired of having to explain themselves, their life decisions and their family configuration.

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"We've chosen to spend our lives together, and we take responsibility for each other in every other way," Kargman Kaye said. "We are a family, and we want to be treated that way."

GRAPHIC: Photo(s)

Partners Stacey Kargman Kaye (left) and Jodi Kelber-Kaye, holding their 1-year-old son, support the bill, which would give them the right to make medical decisions for each other.

GENE SWEENEY JR. : SUN STAFF

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