

(2) THE MARYLAND HISTORICAL TRUST, IN COOPERATION WITH THE DEPARTMENT OF GENERAL SERVICES, SHALL BE RESPONSIBLE FOR THE INVENTORY, MAINTENANCE, AND PRESERVATION OF ALL ARTWORK ACQUIRED THROUGH THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2005. It shall remain effective for a period of 5 years and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 20, 2005

The Honorable Thomas V. Mike Miller Jr.  
President of the Senate  
State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 796 – *Medical Decision Making Act of 2005*.

Senate Bill 796 codifies a new relationship of life partners between two individuals who meet certain requirements for the purpose of making decisions regarding health care issues. In addition to codifying a new relationship, Senate Bill 796 confers several important rights to qualifying couples to help them deal with visitation, postmortem examination, disinterment, reinterment, and burial issues, among others.

Current law states that an individual may designate a health care agent to make medical decisions in the unfortunate event that individual is unable to make decisions on his or her own behalf. If a health care agent has not been named, the law provides a list in order of priority of individuals who may make medical decisions for a person who has been certified as being incapable of making an informed decision. This list includes: (1) a guardian for the patient if one has been appointed; (2) the patient's spouse; (3) an adult child of the patient; (4) a parent of the patient; (5) an adult brother or sister of the patient; or (6) a friend or relative of the patient who meets certain requirements. Senate Bill 796 states that if a life partner has selected a health care agent in accordance with State advance health care directive laws, that health care agent retains authority to make health care decisions, regardless of the life partnership, until the health care agency has been revoked. The bill, however, amends current law to give life partners the same status as legally married couples in terms of medical decision-making.

While I am sympathetic to the needs of mutually dependent couples and want to support compassionate efforts to expedite health related decisions for Marylanders in need, ultimately I am disappointed in the current form of Senate Bill 796 and am therefore unable to support it. Instead of addressing the mechanics of expediting health care decisions, Senate Bill 796 codifies a new relationship of life partner and could lead to the erosion of the sanctity of traditional marriage as already codified in Maryland law.