

ODDA from 1A

The subject has become part of a national conversation in the last 20 years.

"During that time, a great many people have made up their minds, one way or the other. And that's just fine," said Humphry. "I don't expect everyone to agree with my position, but at least now it can be discussed."

Humphry's work on the ODDA began soon after he moved to Oregon and consisted of trying to craft the country's first legal path to self determination.

"I pioneered the law in Oregon from 1986 onward, by speaking and writing on the subject. I was part of the team, which passed it in 1994. When we were drawing up the law, I argued for it to be stronger, embracing chosen death by doctor injection and also doctor-assisted suicide," Humphry said. "But I was out voted, thus a more limited, pre-scripted law was offered to the voters and it was passed."

Humphry said the ODDA has been an important piece in the puzzle that is

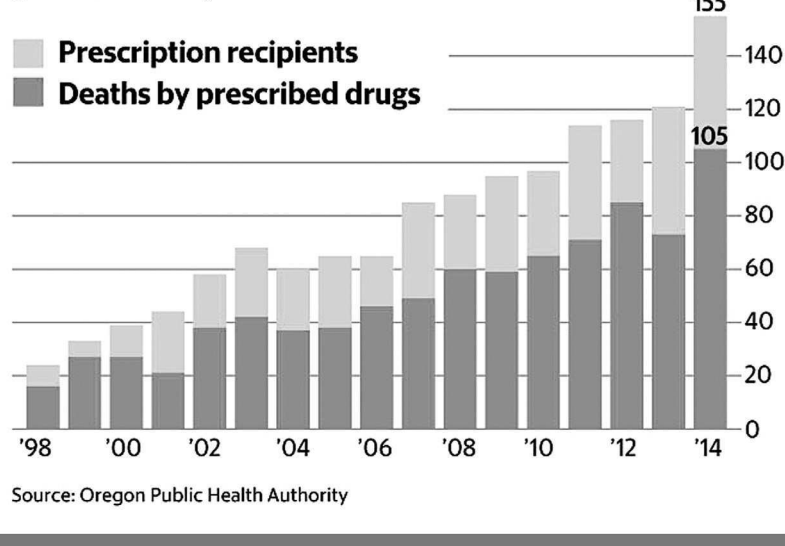
being assembled across the country — and the world — to deal compassionately with issues surrounding the irreversibly and hopelessly ill.

"The very existence of the law and the fact that it has worked without problem and with generally good effect is what I am most pleased about," Humphry said. "That, and the fact that five other states have enacted laws that are based on our law, has had a tremendously good effect on the broader discussion of self deliverance."

There are, however, elements of the ODDA that Humphry feels should be amended. Specifically, one of the

Assisted death in Oregon

Since Oregon enacted its aid-in-dying law in 1998, more than 1,300 terminally ill people have received prescriptions for lethal drugs. More than 850 used them, but some patients died of other causes.



problems highlighted in Part I of this series, "Desire for Dignity," which drew Humphry's attention.

"I regard the ODDA as a positive step along the way to something more

compassionate — of a type that would consider the case of Bruce Yelle." Humphry said. "I feel that we need to amend the six-month terminal diagnosis, which is a stumbling block for individuals like Bruce — and it would enable more people with degenerative diseases to access the law."

Humphry felt that the ODDA, while an important first step in the process of self determination, was lacking in its

scope and inclusivity. "Cases like Mr. Yelle's are examples of the ODDA's limitations, and were behind my founding of the Hemlock Society, now called the Final

Exit Network," Humphry said, referring to an advice and moral support system for people who fall through the cracks of the ODDA and wish to explore the option of self deliverance.

While the current political climate doesn't seem to lend itself to revisiting the wording of the ODDA, Humphry hopes that the enactment of other Death with Dignity laws will allow for a review of the Oregon Act — and with that review the possibility exists for change moving forward.

"There is a rising tide of opinion supporting the widening of the present law, but it is getting hardly any support in legal and legislative circles," he said. "I believe that will change in time."

(Due to the federal President's Day holiday this week, statements from Sen. Ron Wyden, Sen. Merkley, Rep. Peter DeFazio, State Sen. Arnie Roblan, State Rep. Caddie McKeown and Gov. Kate Brown were not ready for publication before Siuslaw News went to press. Look for those and more information in the final installment of this series in the Wednesday, March 1, issue of Siuslaw News.)

Tenacious from 1A

During the Feb. 20 special meeting, port commissioners attempted to resolve the issue by possibly reducing the amount Owen owed the port.

Commission President Ron Caputo said, "Owen has not made our job easy. He seems like a nice person, but he has made no attempt, until very late, to resolve this."

Commissioner Mike Buckwald said, "Did he absolutely understand that he was going to be paying the

(\$17 per day transient rate)? Do we know that?"

Staff referenced a letter dated Oct. 10 informing Owen that he would not be granted another contract, that he must remove the Tenacious from the Port of Siuslaw and that the daily rate of \$17 per day would be assessed.

Commissioner Terry Duman said, "That letter is not applicable here because his payment was good to Oct. 1 and that was his second payment on the semi-annual. He still had part of an annual moorage contract. "I don't know how you go

from an annual or semi-annual to a daily rate. A contract in dispute is still a contract," he added.

Port staff pointed out that the contract ended Oct. 1, 2016.

Board members then asked if the engine worked, and Leskin said the engine was dismantled and the sails were not useable.

"I guarantee, if I needed to sail that boat out of here I'd put a sail up and go," Duman said.

The commissioner suggested that Owen be allowed to bring his moorage current and comply with all port rules and regulations, and then be allowed to sign a new contract.

"He can reclaim his boat by just paying the semi-annual moorage (fee). Then for him to get a new contract he has to be in compliance," Duman said.

Commissioners argued that Owen had been current since Oct. 1.

"We have been going back and forth with Owen since last April," Leskin said.

"I don't care if you have been going back and forth with him every day. He is a customer," Duman said.

Port attorney David Coulombe, who was participating via conference call, was asked if the commissioners could stop the sealed bid auction set for 4:30 p.m. Feb. 24.

Coulombe said the port had the authority to do that.

But he also cautioned commissioners, saying, "Moorage fees are required to be paid in advance. In my perspective, the only rational fee to charge a person (without a contract) is the daily fee. Otherwise you are discounting someone who is mooring illegally. Why would you give a discount to someone who is, under the ordinance, committing a crime?"

He said that requiring pay-

ment in advance could be enforced as a criminal matter with a fine of up to \$500 per day and six months in jail.

"There is a good policy reason to enforce the board's fees at the daily rate as opposed to some semi-annual or annual rate. As a port authority, you are using public funds. You have to ask yourself, 'Are we subsidizing Mr. Owen's moorage with public funds?'"

He added, "Are you treating all similarly situated vessel owners now, in the past and in the future the same?"

Commissioners decided not to make any further motions and to allow the sealed bid auction to move forward on Feb. 24.

Leskin described the responsibility of the port as a tax authority.

"When we take taxpayers' money we have a duty to spend their money responsibly. Subsidizing a yacht owner who is not paying his moorage is not managing that responsibility responsibly," he said.

Owen said, "I've been doing business with this port for six years, and for me to come in a few days late with my payment for a six month lease. I was denied the ability for filling out a new contract for money I didn't owe."

According to the port, Owen renewed a one-year contract with the port to run from Oct. 1, 2015 to Sept. 30, 2016. He made his first \$840 payment late on Oct. 13. In April, Owen informed the port he would not be able to make the \$840 payment on time. He was told that he would be placed on a monthly contract rate of \$261. He paid the \$261 for April.

Leskin said Owen returned on April 11 and paid \$579, an amount equal to what would have been the balance owing on his annual contract, if the \$261 were applied to that balance.

The port mistakenly gave Owen a receipt showing that he was paid in full through Sept. 31, 2016.

On April 12, the port sent Owen a letter correcting that mistake and telling Owen he was on the monthly rate of \$261 until the end of his contract date, Sept. 30, 2016.

The April 11 payment was the last payment Owen made to the port.

Water from 1A

A few homes in the direct area of the break — namely Falcon Street and two homes on Second Avenue — are on a boil order until today at 4 p.m.

"We are sure it is resolved," Kennedy said. She also said that the recent rainy weather was not a factor.

"And there will be no lasting impacts, which is great," Kennedy said.

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