

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

S.P. 139 - L.D. 435

**An Act To Improve the Rate of Organ and Tissue Donation by Establishing  
the Organ Donation Advisory Council**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there is a shortage of organs and tissue available to individuals with life-threatening conditions; and

**Whereas,** increasing the rates of organ and tissue donation is a critical function of the Organ Donation Advisory Council; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1.** 5 MRSA §12004-I, sub-§36-E is enacted to read:

**36-E.**

Human Services

Organ Donation  
Advisory Council

Not Authorized

29-A MRSA  
§1402-B

**Sec. 2.** 29-A MRSA §1402-A, sub-§4, ¶B, as enacted by PL 2003, c. 394, §4 and affected by §6, is repealed.

**Sec. 3.** 29-A MRSA §1402-A, sub-§4, ¶D, as enacted by PL 2003, c. 394, §4 and affected by §6, is repealed.

**Sec. 4.** 29-A MRSA §1402-B is enacted to read:

## **§1402-B. Organ Donation Advisory Council**

**1. Appointment; composition; term; compensation.** The Organ Donation Advisory Council, established by Title 5, section 12004-I, subsection 36-E, referred to in this section as "the council," consists of 10 members as follows:

- A. The Secretary of State or the secretary's designee;
- B. The Commissioner of Health and Human Services or the commissioner's designee;
- C. A representative of the Department of the Secretary of State, Bureau of Motor Vehicles, appointed by the Secretary of State;
- D. The president of a statewide medical society, appointed by the President of the Senate;
- E. A representative of a federally designated organ procurement organization serving the State, appointed by the Speaker of the House of Representatives;
- F. Three members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a recipient of a donated organ or tissue and at least one of whom must be a donor or a family member of a donor, appointed by the President of the Senate; and
- G. Two members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a doctor experienced in organ and tissue transplantation, appointed by the Speaker of the House of Representatives.

All appointed members are appointed for a term of 3 years. A vacancy must be filled in the same manner as the position was originally filled for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. Members serve without compensation.

**2. Meetings; reports.** The council shall meet at least 4 times a year and convene special meetings at the call of the chair, a majority of the members of the council or the Secretary of State. The members of the council shall elect a chair, except that the Secretary of State may not be chair. The council shall make an annual report to the Governor that must include an account of all actions taken to further organ and tissue donation and file a copy of the report to the Secretary of State, the Secretary of the Senate and the Clerk of the House of Representatives.

**3. Duties.** The council shall:

- A. Assist the Secretary of State in coordinating the efforts of all public and private agencies within the State concerned with the donation and transplantation of organs and tissues;
- B. Advise the Secretary of State on policy and priorities of need in the State for a comprehensive program relating to organ and tissue donation and transplantation;

C. Assist the Secretary of State in developing strategies to increase donations that the council may find effective; and

D. Establish numerical goals for increasing organ and tissue donation rates in the State, to include a baseline account of current organ and tissue donation rates, as well as periodic benchmarks for success. The bureau may provide monthly donor designation rates for each branch office of the bureau to assist in identifying goals.

**Sec. 5. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 29-A, section 1402-B, subsection 1, of the initial appointments to the Organ Donation Advisory Council pursuant to Title 29-A, section 1402-B, subsection 1, the appointments made pursuant to paragraphs E and G and 2 of the appointments made pursuant to paragraph F are for 2 years.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor