

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE - HUNDRETH LEGISLATURE

---

---

Legislative Document

No. 258

S. P. 113

In Senate, January 12, 1961

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Mr. Lovell of York.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

---

**AN ACT Relating to Disposition of Eyes After Death.**

---

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

**R. S., c. 25, §140-A, additional.** Chapter 25 of the Revised Statutes is amended by adding a new section 140-A, to read as follows:

**'Disposition of Eyes After Death.**

**Sec. 140-A. Right to dispose of eyes after death.** A person has the right to direct the manner in which his eyes or any part thereof shall be disposed of after his death.

**I. Manner of making disposition.** A person may, if he is of legal age and sound mind by written instrument, prescribe for the disposition to be made, after death, of his eyes or any part thereof, provided such person shall receive no remuneration or other thing of value for such disposition and provided further that same is for the purpose of advancing medical science or for the replacement or rehabilitation of diseased eyes, worn out or injured parts, of the eyes of living human beings.

**II. Donee provisions.** Any such donation, authorization or consent made under this section shall be by written instrument signed by the person making or giving the same and shall be witnessed by 2 persons of legal age. Each instrument may designate the donee, but such designation shall not be necessary to its validity. A donee may be an individual, hospital, institution, an agency engaged in sight restoration or a bank maintained for the storage, preservation and use of human eyes or parts thereof. If no specific donee is named in such instrument, then the hospital in which the donor dies shall be

considered to be the donee and if such donor does not die in a hospital, then the attending physician shall be considered to be the donee; and such hospital or physician shall have full authority to take and remove said eyes or parts thereof which such donor has designated and to make the same available to any person or institution in need thereof. Where a donee is named in such instrument, any hospital or physician acquiring possession or custody of the body shall have the authority to remove from the body the eyes or parts thereof which the donor has designated and to deliver the same to the named donee; provided that no such licensed physician or hospital shall receive any remuneration or other thing of value whatsoever, except the established fees, for such services rendered, for any eyes, or parts thereof, donated under this section, but such claim for services in removing the eyes or parts thereof shall not be a claim against the estate of deceased, and the hospital, donee or physician shall not be liable civilly or criminally for removing said eyes or parts thereof from the body, providing the donor has, prior to death, executed a valid written agreement as provided herein. No appointment of administrator, executor or court order shall be necessary before the removal of said eyes or parts thereof. No particular form or words shall be necessary or required for such donation or authorization provided that the instrument conveys the clear intention of the purpose of the person making the same. Any such disposition of his own eyes or parts thereof may be revoked by the donor at any time prior to his death by the execution of a written instrument in the same manner as the original grant.'