

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 392

S. P. 151

In Senate, January 21, 1965

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator O'Leary of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Incorporate the Blood Donor Service Program of Maine.

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

Sec. 1. Corporators; incorporation. George W. Brown, Edith F. Brown, Albert W. Spaulding, Jr., Elizabeth Dirsra, Irene Dennett, Dexter E. Elsemore and Garfield G. Defoe, all of Dixfield, in the County of Oxford and the State of Maine, or such of them as may vote to accept this charter with their associates, successors and assigns, are hereby made a body corporate to be known as the Blood Donor Service Program, Inc., of Maine.

Sec. 2. Location. The corporation shall be located at Dixfield in the County of Oxford and the State of Maine.

Sec. 3. Purposes. The corporation may provide a blood service program for ALL citizens of the State of Maine, serving members and their families with unlimited amounts of free blood to any point in the United States, either before or after it has been used by a member, by combining blood donors and those unable to give, into a nonprofit blood service program. The corporation shall function as a centralized blood donor recruiting agency with district blood service managers who may be called by members and hospitals whenever blood donors are needed; as a central library of donors with rare blood as a clearing-house for the exchange of blood donations for persons from one community to another. It shall establish blood collecting clinics in cooperating hospitals and transport whole blood instead of the donor under conditions that are acceptable to the receiving hospitals and shall establish and maintain active blood accounts in the cooperating hospitals.

Sec. 4. May enact bylaws. Said corporation may enact such bylaws and make amendments thereto from time to time as shall be desirable for the or-

derly conduct of its business, and may establish such offices and may elect such officers as it shall deem desirable to effectuate its corporate purposes.

Sec. 5. Articles of incorporation. Articles of incorporation of the corporation shall be submitted to the Commissioner of Health and Welfare of the State of Maine, whose approval thereof shall be endorsed thereon before the same are filed with the Secretary of State. At least a majority of the directors of this corporation shall be members of the medical profession, nursing profession or blood bankers. There may also be appointed to the program, pathologists who are willing to furnish advice of a technical nature and who shall further assist in the progress of the program. They shall become known as medical technical advisors.

The corporation may enter into contracts for the rendering of blood service to the subscribers only with hospitals approved by the State Department of Health and Welfare of the several states. All contracts issued by this corporation to the subscribers shall constitute direct obligations of the hospital or hospitals with which the corporation has contracted for blood services.

For administrative purposes the territory of this program may be sub-divided into subordinate districts in the various communities where the service is to be available. Each district unit shall be a constituent part of the corporation.

Sec. 6. Qualifications. The corporation may qualify and commence operation when and at such time as formal certificate or license has been authorized and granted by the Department of Health and Welfare of the State of Maine. Application for such certificate of authority or license shall be made on forms to comply with the ruling of the Commissioner of Health and Welfare, containing such information as he shall deem necessary. The application for certificate or license shall be accompanied by copies of the following documents: (a) Certified copy of bylaws; (b) Certified copy of contracts to be issued to subscribers showing a table of the rates to be charged and the benefits to which they are entitled; (c) a financial statement certified to by the treasurer of this corporation.

The Department of Health and Welfare shall annually issue a certificate of authority or license upon being satisfied on the following points:

- I. That this applicant is established as a bona fide blood donor service program.
- II. That the rates charged and benefits to be provided are fair and reasonable.
- III. That the amount of money actually available for working capital be sufficient to carry all acquisition costs and operating expenses for a reasonable period of time from the date of issuance of the certificate.

Sec. 7. Officers. The board of directors of this corporation shall consist of not less than 9 nor more than 21 members. Its officers shall consist of a president, vice-president, secretary, treasurer and executive director.

Sec. 8. First meeting; how called. Any 3 of the incorporators named in this Act may call the first meeting of the corporation by mailing a written notice signed by 3 incorporators, postage prepaid, to each of the other incorporators 5 days at least before the day of the meeting, naming the time, place and purpose of such meeting; and at such meeting such officers may be chosen and such business may be transacted as shall be specified in the call for such meeting.

Sec. 9. Merger or consolidation. The corporation may sell, lease, pledge, assign, mortgage or otherwise dispose of the whole or any part of its property, franchises, permits, rights and privileges to any other corporation authorized to do a similar business, or may merge or consolidate with such corporation; and it may buy or otherwise acquire the rights, permits, privileges, franchises or property of any person, partnership or corporation which may be desirable in the conduct of its business.

Sec. 10. Reports. The corporation shall annually on the first day of March file a statement verified by at least 2 of the principal officers of said corporation showing its condition on the 31st day of December, then next preceding, which shall be in such format and shall contain such matters as the Commissioner of Health and Welfare shall prescribe.

Sec. 11. Visitation. The Commissioner of Health and Welfare, or any deputy or examiner or any other person whom he shall appoint, shall have the power of visitation and examination into the affairs of the corporation and free access to all of the books, papers and documents that relate to the business of the corporation, and may summon and qualify witnesses under oath to examine its officers, agents or employees or other persons in relation to the affairs, transactions and conditions of the corporation.

Sec. 12. Investments. The corporation shall be restricted in its investments in the same manner as are saving banks in this State.

Sec. 13. Disputes. Any dispute arising between the corporation and any hospital for which the corporation has provided blood donor service may be submitted to the Commissioner of Health and Welfare for his decision with his respect thereto. Any decision and findings of the Commissioner of Health and Welfare made under this section shall not be any bar to constituted legal procedure for the review of such proceedings in a court of competent jurisdiction.

Sec. 14. Dissolution. Upon dissolution of this corporation, all remaining assets will be distributed to any organization which is the outgrowth of this corporation provided its basic purposes are the same. In the event that a new organization does not develop, then the remaining assets will be distributed to the Maine Medical Association, or in the event that the Maine Medical Association, at the time of dissolution of the Blood Donor Service Program, Inc., of Maine, is no longer a qualified distributee or is unable or unwilling to accept such gift, the assets will be distributed to an organization qualifying under Section 501, (c) (3) of the Internal Revenue Code.

Sec. 15. Taxation. This corporation is declared to be a charitable and benevolent institution, and its funds and property shall be exempt from taxation.