

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 487

S. P. 120

In Senate, January 26, 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 Relating to Nonprofit Blood Donor Service Corporations.

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

R. S., T. 13, c. 95, additional. Title 13 of the Revised Statutes is amended by adding a new chapter 95 to read as follows :

'CHAPTER 95

BLOOD DONOR SERVICE CORPORATIONS

Sec. 3201. Scope. Any corporation organized under special Act of the Legislature, for the purpose of carrying on a blood service program for all citizens of the State of Maine, serving members and their families with unlimited amounts of free blood or blood replacements to any hospital in the United States, may be licensed by the Commissioner of Health and Welfare on the terms and conditions provided in this chapter.

Sec. 3202. Incorporation. The articles of incorporation of every such corporation, and amendments thereto, shall be submitted to the Commissioner of Health and Welfare, whose approval thereof shall be endorsed thereon before the same are filed with the Secretary of State.

There shall not be less than 7 directors, and at least a majority of the directors of such corporation shall be members of the medical profession, nursing profession and blood bankers. There may 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.

Sec. 3203. Contracts. Such corporation may enter into contracts for the rendering of blood donor services to the subscriber.

Sec. 3204. License. Application for the license provided for in section 3201, shall be made in such form as may be required by the Commissioner of Health and Welfare and shall contain such information as may be required. Each application for such certificate or license shall be accompanied by copies of the following documents: Certificate of incorporation, bylaws, proposed contracts between the corporation and the participating hospitals showing terms under which blood donor service is to be furnished to subscribers, contracts to be issued to subscribers showing a table of the rates to be charged and the benefits to which they are entitled and financial statement of the corporation.

The Commissioner of Health and Welfare shall issue a certificate of authority or license upon payment of a fee of \$20 and upon being satisfied on the following points: That the applicant is established as a bona fide nonprofit blood donor service program; that the rates charged and the benefits to be provided are fair and reasonable; and 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 the issuance of the certificate.

Sec. 3205. Reports. Every such corporation shall annually on or before the first day of March file in the office of the Commissioner of Health and Welfare a statement verified by at least 2 of the principal officers of said corporation showing its condition on the 31st day of December, next preceding, which shall be in such form and shall contain such matters as the Commissioner of Health and Welfare shall prescribe.

Sec. 3206. Visitation. The Commissioner of Health and Welfare, any deputy or examiner or any other person whom he shall appoint, shall have the power of visitation and examination into the affairs of any such 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 relations to the affairs, transactions and conditions of the corporation.

Sec. 3207. Investments. Any corporation subject to this chapter shall be restricted in its investments in the same manner as are savings banks in this State.

Sec. 3208. Disputes. Any dispute arising between a corporation subject to this chapter and any hospital with which such corporation has a contract for blood donor service may be submitted to the Commissioner of Health and Welfare for his decision with respect thereto. Any decision and findings of the Commissioner of Health and Welfare made under this chapter shall not be any bar to constituted legal procedure for the review of such proceedings in a court of competent jurisdiction.

Sec. 3209. Dissolution. Any dissolution or liquidation of a corporation subject to this chapter shall be conducted under the supervision of the Commissioner of Health and Welfare who shall have all power with respect thereto granted

to him under law with respect to the dissolution and liquidation of blood donor service programs.

Sec. 3210. Taxation. Every corporation subject to this chapter is declared to be a charitable and benevolent institution, and its funds and property shall be exempt from taxation.

Sec. 3211. Penalty. Any person, firm, association or corporation or any officer, agent, servant or employee thereof, who shall violate any of the provisions of this chapter, shall be punished by a fine of not more than \$300 or by imprisonment for not more than 6 months, or by both.'