

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 370

S. P. 180

In Senate, January 26, 1967

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

JERROLD B. SPEERS, Secretary

Presented by Mr. Ferguson of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

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. 82, additional. Title 13 of the Revised Statutes is amended by adding a new chapter 82, to read as follows:

CHAPTER 82

BLOOD DONOR SERVICE CORPORATIONS

§ 1001. Purpose and scope

Under the terms and provisions of this chapter any nonprofit organization may incorporate under special Act of Legislature and may be licensed by the Insurance Commissioner and the Commissioner of Health and Welfare, provided that it has been formed for the specific purpose of combining blood donors and those unable to give into a blood service program for the citizens of the State of Maine; serving as a liaison between the public and hospital blood banks; teaching and assisting the public in meeting its moral obligation to donate blood and to free the patient or his family, or both, from the chore of soliciting blood donors when the necessity arises; assisting the hospitals in their public responsibility of having blood on hand, thus assuring a constant availability of blood for the patients; serving members and their families with unlimited amounts of free blood or blood replacements to hospitals in the United States; functioning as a centralized blood donor recruiting or soliciting agency; serving as a central library of donors with rare blood; serving as clearing house for the exchange of blood donations for patients from one community to another; establishing blood collecting clinics and transporting blood instead of the donors under conditions that are acceptable to the receiving hospitals.

The corporation may expand and establish districts in Maine whereby blood service managers may be called whenever local hospitals need donors of a specific blood type to transfuse to any patient during routine or emergency situations.

§ 1002. Incorporation

The articles of incorporation of every such corporation, and amendments thereto, shall be submitted to the Insurance Commissioner and 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, blood bankers, blood donor recruiters and clergy. 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.

§ 1003. Contracts

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

§ 1004. Licenses

Application for the licenses provided for in section 1001 shall be made in such form as may be required by the Insurance Commissioner and the Commissioner of Health and Welfare and shall contain such information as may be required. Each application to the Insurance Commissioner and the Commissioner of Health and Welfare 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 a financial statement of the corporation.

The Insurance Commissioner 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 bonafide nonprofit blood donor service program; that the rates charged and the benefits to be provided are fair and reasonable; 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 certificates; that the service obtains blood donors for nonmembers as well as members in districts where recruiting service is available; and that any income in excess of necessary expenses and reserves is to be reflected in increased benefits or scholarships for qualified Maine students who wish to make a career in blood banking.

The Commissioner of Health and Welfare shall issue a formal certificate or license allowing blood typing clinics, blood collecting clinics and the transport of whole human blood and its derivatives, upon being satisfied that the standards of the applicant blood donor service meet the requirements of the U. S. Public Health Service and upon the receipt of a fee of \$20. The Commissioner of

Health and Welfare shall be authorized to serve ex officio on the board of directors of any corporation formed under this chapter.

§ 1005. Reports

Every such corporation shall annually on or before the first day of March file in the office of the Insurance Commissioner and 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 then next preceding, which shall be in such form and shall contain such matters as the Insurance Commissioner and the Commissioner of Health and Welfare shall prescribe.

§ 1006. Visitation

The Insurance Commissioner and the Commissioner of Health and Welfare, or any deputy or any examiner or any other person whom they 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 relation to the affairs, transactions and condition of the corporation.

§ 1007. Agents

No person, for himself or in behalf of any individual, firm, association or corporation, shall sell or offer to sell any such blood donor service as is provided for in this chapter, without being licensed therefor by the Insurance Commissioner.

§ 1008. Licenses; fees

The Insurance Commissioner shall grant a license to sell such a service as is provided for in this chapter, in behalf of any individual, firm, association or corporation licensed therefor, to any applicant who shall furnish the Insurance Commissioner with satisfactory evidence of his integrity and authority to sell the service offered. Such license, when granted, shall expire on January 1st thereafter, and annually thereafter may be renewed so long as the Insurance Commissioner shall be satisfied of the licensee's integrity, authority and responsibility to provide the service stipulated.

The fee for renewing a license to a blood donor service is \$20 and the fee for issuing or renewing a license to an agent is \$2.

§ 1009. Revocation

The Insurance Commissioner or the Commissioner of Health and Welfare may revoke a license granted under this chapter for cause at any time after hearing.

§ 1010. Exemptions

Any blood donor service qualifying under this chapter shall be exempt from making a deposit of capital with the Treasurer of State or any of the state officers.

§ 1011. Investments

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

§ 1012. Disputes

Any disputes arising between a corporation subject to this chapter and any member or hospital with which such corporation has a contract for blood donor services may be submitted to the Insurance Commissioner for his decision with respect thereto. Any decision and findings of the Insurance Commissioner 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.

§ 1013. Dissolution

Any dissolution or liquidation of a corporation subject to this chapter shall be conducted under the supervision of the Insurance Commissioner who shall have all power with respect thereto granted to him under the provisions of law with respect to the dissolution and liquidation of insurance companies.

§ 1014. 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.

§ 1015. Penalty

Any person, firm, association or corporation, or any agent, officer 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.