

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 558

S. P. 233

In Senate, February 2, 1967

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

JERROLD B. SPEERS, Secretary

Presented by Senator Ferguson of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Incorporate the Blood Donors Donorcall Service.

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 Dirsa, Irene Dennett, R.N., Dexter E. Elsemore, M.D., John C. Marble, Jr., Atty., all of Dixfield, in the County of Oxford and the State of Maine and Harry Brinkman, M.D., of Farmington, in the County of Franklin and the State of Maine, and Niles L. Perkins, M.D., of Augusta, in the County of Kennebec 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 Donors Donorcall Service, Inc.

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

Sec. 3. Purposes. The corporation may provide a blood service program for the citizens of the State of Maine, serving members and their families with unlimited amounts of free blood to hospitals 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 or soliciting agency and may establish districts in Maine whereby blood service managers may be called whenever the local hospitals need blood donors of a specific blood type to supply blood for any patient during routine or emergency situations; as a central library of donors with rare blood and as a clearinghouse for the exchange of blood donations for persons from one community to another. It shall establish blood collecting clinics and transport 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. Bylaws. Said corporation may enact such bylaws and make amendments thereto from time to time as shall be desirable for the orderly conduct of its business, and may establish such offices and 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 Insurance Commissioner and the Commissioner of Health and Welfare of the State of Maine, each 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 the corporation shall be members of the medical profession, nursing profession, blood bankers, blood donor recruits 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.

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 subdivided into subordinate districts in the various communities where the service is to be available.

Sec. 6. Qualifications. The corporations may qualify and commence operation when and at such time as formal certificate or license has been authorized and granted by the Insurance Commissioner and the Commissioner 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 rulings of the commissioners and containing such information as they shall deem necessary. The applications to the Insurance Commissioner and the Commissioner of Health and Welfare, for such certificates or licenses shall be accompanied by copies of the following documents: Certificates 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 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 bona fide 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 certificate; 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 are 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 this applicant blood donor service meet the requirements of the U. S. Public Health Service and upon the receipt of a fee of \$20.

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. The Commissioner of Health and Welfare is authorized under the Revised Statutes, Title 13, section 1004, to serve ex officio on the board of directors of this corporation.

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. 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. 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 Insurance Commissioner and the Commissioner of Health and Welfare shall prescribe.

Sec. 11. 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 this 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.

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

Sec. 13. Disputes. Any dispute arising between the corporation and any subscriber or hospital for which the corporation has a contract for blood donor service may be submitted to the Insurance Commissioner for his decision with respect thereto. Any decisions and findings of the Insurance Commissioner 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. Any dissolution or liquidation of this corporation 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.

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

Sec. 16. Exemption. The corporation shall be exempt from making a deposit of capital with the Treasurer of State or any of the state officers.