

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1710

H.P. 1169

House of Representatives, April 25, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

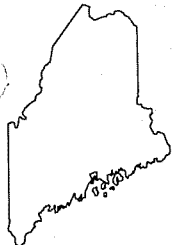
Presented by Representative MANNING of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning Bone Marrow Transplant Education.

(AFTER DEADLINE)



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

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Sec. 1. 22 MRSA c. 268 is enacted to read:

CHAPTER 268

BONE MARROW TRANSFERS

§1656. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Employee. "Employee" means a person who performs services for hire for an employer for an average of 20 or more hours per week and includes all individuals employed at any site owned or operated by an employer. "Employee" does not include an independent contractor.

2. Employer. "Employer" means a person or entity that employs 20 or more employees at at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district or other governmental subdivision.

§1657. Bone marrow donor education

The commissioner shall establish a program to educate residents of the State about the need for bone marrow donors; the procedures required to become registered as a potential bone marrow donor, including the procedures for determining the person's tissue type; and the medical procedures a donor must undergo to donate bone marrow.

The commissioner shall make special efforts to educate and recruit minority populations to volunteer as potential bone marrow donors. Means of communication may include use of press, radio and television, and placement of educational materials in appropriate health care facilities, blood banks and state and local agencies. The commissioner in cooperation with the Secretary of State shall make educational materials available at all places where drivers' licenses are issued.

§1658. Employee leave for bone marrow donations

1. Leave. An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves may be determined by the employee, but may not exceed 40 work hours, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave to donate bone marrow requested by the employee. If there is a medical

2 determination that the employee does not qualify as a bone marrow
3 donor, the paid leave of absence granted to the employee prior to
4 that medical determination is not forfeited.

6 2. No employer sanctions. An employer may not retaliate
7 against an employee for requesting or obtaining a leave of
8 absence as provided by this section.

10 3. Relationship to other leave. This section does not
11 prevent an employer from providing leave for bone marrow
12 donations in addition to leave allowed under this section. This
13 section does not affect an employee's rights with respect to any
14 other employment benefit.

16 **§1659. Bone marrow donor drive**

18 The commissioner shall conduct a bone marrow donor drive to
19 encourage state employees to volunteer to be potential bone
20 marrow donors. This drive must include educational materials and
21 presentations that explain the need for bone marrow donors and
22 the procedures for becoming registered as a potential bone marrow
23 donor. The Director of Employee Relations within the Department
24 of Administration shall provide assistance as needed to organize
25 and conduct the drive. The bone marrow donor drive must be
26 completed by June 30, 1992.

28 **Sec. 2. Appropriation.** The following funds are appropriated
29 from the General Fund to carry out the purposes of this Act.

30 **1991-92**

32 **HUMAN SERVICES, DEPARTMENT OF**

34 **Bureau of Health**

36 All Other

\$40,000

38 Provides funds for the bone
40 marrow education program.

42 **ADMINISTRATION, DEPARTMENT OF**

44 **Bureau of Employee Relations**

46 All Other

\$15,000

48 Provides funds for the bone
49 marrow donor drive to pay the
50 costs of typing the tissue of
the first 200 state employees

2 recruited under the bone
marrow drive to be potential
bone marrow donors.

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STATEMENT OF FACT

8 This bill establishes a statewide bone marrow donor
education program, mandates paid leave of up to 40 hours for
10 certain employees seeking to donate bone marrow and establishes a
state employee bone marrow donor drive.

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