

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2319

S.P. 900

In Senate, February 11, 1992

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator FOSTER of Hancock

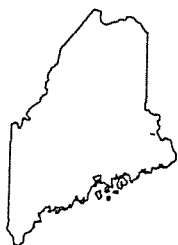
Cosponsored by Senator CONLEY of Cumberland, Representative PARADIS of Augusta and Representative MARSANO of Belfast.

STATE OF MAINE

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

An Act Concerning Anatomical Gifts Under the Motor Vehicle Laws.

(AFTER DEADLINE)



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

2
4 Sec. 1. 22 MRSA §2904, sub-§2, as amended by PL 1981, c. 639,
§1, is further amended to read:

6 2. **Other documents.** A gift of any part of the body under
8 section 2902, subsection 1, may be made by document other than a
will including a license to operate motor vehicles or motorcycles
10 issued pursuant to Title 29, section 540-C. The gift becomes
effective upon the death of the donor and upon acceptance by the
12 donee. The document, which may be a card designed to be carried
on the person, must be signed by the donor, in the presence of 2
14 witnesses who must sign the document in his the donor's
presence. If the donor ~~cannot~~ can not sign, the document may be
16 signed for ~~him~~ the donor at his the donor's direction and in his
the donor's presence, and in the presence of 2 witnesses who must
18 sign the document in his the donor's presence. Delivery of the
document of gift during the donor's lifetime is not necessary to
make the gift valid.

20 Sec. 2. 22 MRSA §2906, sub-§2, as enacted by PL 1969, c. 193,
22 is amended to read:

24 2. **Revocation.** Any Except as provided in subsection 4, any
document of gift which that has not been delivered to the donee
26 may be revoked by the donor in the manner set out in subsection 1
or by destruction, cancellation or ~~mutilation~~ mutilation of the
28 document and all executed copies thereof.

30 Sec. 3. 22 MRSA §2906, sub-§4 is enacted to read:

32 4. Drivers license. A gift made pursuant to Title 29,
section 540-C may be revoked by application for a new license to
34 operate motor vehicles or motorcycles and revocation of the form
executed under Title 29, section 540-C, subsection 2 in the
36 manner set out in subsection 1.

38 Sec. 4. 29 MRSA §540, as amended by PL 1991, c. 32, §§2 and
40 3, is further amended to read:

42 **§540. Contents of license**

Each license shall must state the name, date of birth, place
44 of residence of the licensee, and permanent number assigned the
licensee, and may contain such other information as the Secretary
46 of State deems determines necessary. The license shall must also
bear a full-face color photograph of the licensee for the purpose
48 of identification except that those persons who renew their
licenses on or after their 65th birthday, persons in active
50 military service stationed outside the State and temporary

2 licenses issued under section 533 may be exempt from the
3 photograph requirement. A license which that does not contain a
4 photograph of the licensee may be issued as the Secretary of
5 State deems determines necessary, except that the holder of a
6 commercial driver's license shall is not be exempt from the color
7 photograph requirement.

8 Every licensee shall endorse his the licensee's usual
9 signature in the place as designated before using it the license
10 and no license shall be is valid until so endorsed.

12 A fee of \$2 shall be is charged for the photographic license
13 in addition to the fee charged for the license.

14 ~~The Secretary of State shall provide, on each license to~~
15 ~~operate motor vehicles or motorcycles issued to a person 16 years~~
16 ~~of age or older at time of issuance, a statement indicating a~~
17 ~~willingness to make an anatomical gift under Title 22, chapter~~
18 ~~710.~~

20 ~~The statement shall read as follows:~~

22 "ANATOMICAL GIFT

24 organ The decal affixed hereto indicates a
25 willingness on the part of the licensee
26 donor to make an anatomical gift upon his/her
27 death."

30 ~~At the time of issuance of a first license or renewal to any~~
31 ~~person 16 years of age or older, the Secretary of State shall~~
32 ~~make available a decal indicating "organ donor," which may be~~
33 ~~affixed to the license by the licensee to indicate a willingness~~
34 ~~to make an anatomical gift under Title 22, chapter 710.~~

36 Sec. 5. 29 MRSA §540-C is enacted to read:

38 §540-C. Anatomical gifts

40 1. Certification of anatomical gift. If a licensee makes a
41 declaration on a form as provided in subsection 2 and submits the
42 completed form to the Secretary of State, the Secretary of State
43 shall issue a license to operate motor vehicles or motorcycles to
44 the licensee that includes a code or notation that certifies that
45 the licensee has made an anatomical gift under the Uniform
46 Anatomical Gift Act. Other requirements by law or rule that
47 apply to eligibility of licensees and the form of licenses also
48 apply to licenses issued under this section.

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2. Form. The Secretary of State shall make available to each applicant for a license or renewal license to operate motor vehicles or motorcycles a form by which the licensee may make a declaration of an anatomical gift under the Uniform Anatomical Gift Act. The completed form must be retained on file at the Secretary of State's office. The form must be in substantially the following form:

DECLARATION OF ANATOMICAL GIFT

I am of sound mind and am at least 16 years of age. I hereby make a gift to take effect upon my death of: (CHECK ONE)

() My entire body or any parts of my body.

() Only the following specific part or parts of my body: (FILL IN SPECIFIC PART OR PARTS)

.....
.....
.....

I authorize any person or institution authorized as a donee under Maine law, by the Uniform Anatomical Gift Act, to be the recipient of this gift.

I understand that if I make this gift and receive a motor vehicle or motorcycle driver's license indicating this gift, I must apply for a new license and revoke this declaration in order to revoke the gift.

Signed this day of
.....

Signature
Address
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The declarant voluntarily signed this declaration in our presence.

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Witness
Address
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Witness
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COMPLETION OF THIS
FORM IS OPTIONAL

3. Color coded. The Secretary of State shall color code licenses issued under this section to differentiate from licenses issued under sections 540 and 540-A.

4. Effect. A license issued under this section is evidence that the licensee has made a gift under the Uniform Anatomical Gift Act.

STATEMENT OF FACT

This bill changes the law concerning anatomical gifts. The bill repeals the language under which a person, by placing a sticker on a drivers license, indicates a willingness to make an anatomical gift upon death. Under this bill, any person seeking a drivers license or renewal will be given a form by the Secretary of State by which that person can actually make an effective gift under the Uniform Anatomical Gift Act. If the licensee makes declaration of an anatomical gift on that form, the Secretary of State will issue a license that is color coded to that licensee and include an additional code or notation certifying that such a gift has been made.