

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

*R. G. S.*

L.D. 55

DATE: *4/29/5*

(Filing No. H-238)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "*A*" to H.P. 51, L.D. 55, Bill, "An Act To Create Guidelines and Procedures for Organ and Tissue Donation to Research Facilities"

Amend the bill by striking out the title and substituting the following:

**'Resolve, To Review Rules for Organ and Tissue Donation'**

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

**'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and**

**Whereas, this resolve must take effect prior to July 1, 2005 in order for the Department of Health and Human Services to initiate rulemaking to revise, amend or replace existing rules regarding organ and tissue donation to address issues including informed consent, training and the manner in which organ and tissue donation requests are processed in this State; and**

**Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it**

**COMMITTEE AMENDMENT**

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 51, L.D. 55

2           **Sec. 1. Rules to be reviewed. Resolved:** That the Department of  
3 Health and Human Services shall review the rules regarding the  
4 responsibilities of hospitals and physicians in implementing the  
5 Uniform Anatomical Gift Act, including, but not limited to, the  
6 congruity of the current rules with recent federal changes in the  
7 protocol for organ and tissue procurement, informed consent,  
8 conflict of interest and the potential application of the rules  
9 to research facilities and other entities not currently subject  
10 to the rules. The department shall include in the review  
11 representatives of the Department of the Attorney General, Office  
12 of the Chief Medical Examiner, Maine hospitals, a regional organ  
13 and tissue bank, a statewide association of funeral directors, a  
14 statewide association of funeral consumers and medical providers  
15 involved in the organ and tissue procurement process. The  
16 department shall report by January 31, 2006 to the Joint Standing  
17 Committee on Health and Human Services regarding the review and  
18 any recommendations of the department.

19           **Emergency clause.** In view of the emergency cited in the  
20 preamble, this resolve takes effect when approved.'

22

**SUMMARY**

24

25           This amendment replaces the bill with a resolve to have the  
26 Department of Health and Human Services review its rules for  
27 organ and tissue donation procurement. The resolve requires a  
28 report to the Joint Standing Committee on Health and Human  
29 Services by January 31, 2006. The amendment adds an emergency  
30 preamble and an emergency clause.

32

**FISCAL NOTE REQUIRED**  
(See attached)

34



Approved: 03/31/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 55

LR 0137(02)

**An Act To Create Guidelines and Procedures for Organ and Tissue Donation to Research Facilities**

**Fiscal Note for Bill as Amended by Committee Amendment 'A'**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

---

## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill can be absorbed by the department utilizing existing resources.