

MAINE STATE LEGISLATURE

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JMG
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(Filing No. S-57)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 139, L.D. 435, Bill, "An Act To Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council"

Amend the bill by inserting after the title and before the enacting clause 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, there is a shortage of organs and tissue available to individuals with life-threatening conditions; and

Whereas, increasing the rates of organ and tissue donation is a critical function of the Organ Donation Advisory Council; 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,'

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 5 MRSA §12004-I, sub-§36-E is enacted to read:

36-E.

<u>Human Services</u>	<u>Organ Donation</u>	<u>Not Authorized</u>	<u>29-A MRSA</u>
	<u>Advisory Council</u>		<u>§1402-B</u>

Amend the bill in section 4 in §1402-B by striking out all of subsection 1 (page 1, lines 12 to 28 in L.D.) and inserting the following:

1. Appointment; composition; term; compensation. The Organ Donation Advisory Council, established by Title 5, section 12004-I, subsection 36-E, referred to in this section as "the council," consists of 10 members as follows:

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- A. The Secretary of State or the secretary's designee;
- B. The Commissioner of Health and Human Services or the commissioner's designee;
- C. A representative of the Department of the Secretary of State, Bureau of Motor Vehicles, appointed by the Secretary of State;
- D. The president of a statewide medical society, appointed by the President of the Senate;
- E. A representative of a federally designated organ procurement organization serving the State, appointed by the Speaker of the House of Representatives;
- F. Three members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a recipient of a donated organ or tissue and at least one of whom must be a donor or a family member of a donor, appointed by the President of the Senate; and
- G. Two members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a doctor experienced in organ and tissue transplantation, appointed by the Speaker of the House of Representatives.

All appointed members are appointed for a term of 3 years. A vacancy must be filled in the same manner as the position was originally filled for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. Members serve without compensation.'

Amend the bill by adding before the summary the following:

'Sec. 5. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1402-B, subsection 1, of the initial appointments to the Organ Donation Advisory Council pursuant to Title 29-A, section 1402-B, subsection 1, the appointments made pursuant to paragraphs E and G and 2 of the appointments made pursuant to paragraph F are for 2 years.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

The amendment moves the Organ Donation Advisory Council in Title 5 from general government boards to the section on boards and commissions that are advisory with minimal authority. It clarifies the appointing authority of the members of the council and removes the requirement for some members to be confirmed by the Joint Standing

R.03

COMMITTEE AMENDMENT "A" to S.P. 139, L.D. 435

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Committee on Health and Human Services and the Senate. It appoints 4 members of the council to a 2-year initial term to allow for staggered terms of membership. It adds an emergency preamble and clause to the bill.

FISCAL NOTE REQUIRED

(See attached)



Revised: 03/29/11 *mac*

125th MAINE LEGISLATURE

LD 435

LR 650(02)

An Act To Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council

Fiscal Note for Bill as Amended by Committee Amendment "A" S-57

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Highway Fund

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State and to the Department of Health and Human Services associated with serving on the council can be absorbed with existing staff and within existing budgeted resources.