

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 435

S.P. 139

In Senate, February 10, 2011

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

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative ROCHELO of Biddeford and  
Senators: KATZ of Kennebec, MARTIN of Kennebec, MASON of Androscoggin, SNOWE-  
MELLO of Androscoggin, Representatives: BRIGGS of Mexico, FOSSEL of Alna,  
PRESCOTT of Topsham, STRANG BURGESS of Cumberland.

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

2 **Sec. 1. 5 MRSA §12004-G, sub-§30-E** is enacted to read:

3 **30-E.**

4	<u>Organ Donations</u>	<u>Organ Donation</u>	<u>Not Authorized</u>	<u>29-A MRSA</u>
5		<u>Advisory Council</u>		<u>§1402-B</u>

6 **Sec. 2. 29-A MRSA §1402-A, sub-§4, ¶B**, as enacted by PL 2003, c. 394, §4  
7 and affected by §6, is repealed.

8 **Sec. 3. 29-A MRSA §1402-A, sub-§4, ¶D**, as enacted by PL 2003, c. 394, §4  
9 and affected by §6, is repealed.

10 **Sec. 4. 29-A MRSA §1402-B** is enacted to read:

11 **§1402-B. Organ Donation Advisory Council**

12 **1. Appointment; composition; term; compensation.** The Organ Donation  
13 Advisory Council, established by Title 5, section 12004-G, subsection 30-E, referred to in  
14 this section as "the council," consists of 10 members. The Governor shall annually  
15 designate the chair of the council. The Secretary of State, a representative of a state health  
16 agency, the president of a statewide medical society, a representative of the bureau and a  
17 representative of a federally designated organ procurement organization serving the State  
18 are members of the council. Each other member is appointed by the Governor, subject to  
19 review by the joint standing committee of the Legislature having jurisdiction over health  
20 and human services matters and to confirmation by the Legislature. Five members must  
21 be persons who are experienced in the field of organ and tissue donation or  
22 transplantation, at least one of whom must be a recipient of a donated organ or tissue, at  
23 least one of whom must be a donor or a family member of a donor and at least one of  
24 whom must be a doctor experienced in organ and tissue transplantation. All appointed  
25 members are appointed for a term of 3 years, and a vacancy must be filled in the same  
26 manner as the position was originally filled for the unexpired portion of the term. An  
27 appointed member may not serve for more than 2 consecutive terms. Appointed members  
28 serve until their successors are appointed. Members serve without compensation.

29 **2. Meetings; reports.** The council shall meet at least 4 times a year and convene  
30 special meetings at the call of the chair, a majority of the members of the council or the  
31 Secretary of State. The members of the council shall elect a chair, except that the  
32 Secretary of State may not be chair. The council shall make an annual report to the  
33 Governor that must include an account of all actions taken to further organ and tissue  
34 donation and file a copy of the report to the Secretary of State, the Secretary of the Senate  
35 and the Clerk of the House of Representatives.

36 **3. Duties.** The council shall:

1 A. Assist the Secretary of State in coordinating the efforts of all public and private  
2 agencies within the State concerned with the donation and transplantation of organs  
3 and tissues;

4 B. Advise the Secretary of State on policy and priorities of need in the State for a  
5 comprehensive program relating to organ and tissue donation and transplantation;

6 C. Assist the Secretary of State in developing strategies to increase donations that the  
7 council may find effective; and

8 D. Establish numerical goals for increasing organ and tissue donation rates in the  
9 State, to include a baseline account of current organ and tissue donation rates, as well  
10 as periodic benchmarks for success. The bureau may provide monthly donor  
11 designation rates for each branch office of the bureau to assist in identifying goals.

12 **SUMMARY**

13 This bill repeals a volunteer advisory committee to provide information and advice  
14 regarding anatomical gifts and replaces it with an appointed advisory council to advise  
15 the State on improving the rate of organ and tissue donation.