

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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art contest.

D. All revenues derived from the sale of permits and art in conjunction with the permit shall be deposited into a special account within the Department of Inland Fisheries and Wildlife main operating account and that account shall be used for acquisition of waterfowl habitat and waterfowl management activities.

Sec. 2. Effective date. This Act shall become effective on July 1, 1987.

Effective July 1, 1987.

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## CHAPTER 574

H.P. 1444 - L.D. 2036

AN ACT Concerning Required Request for Organ Donation.

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

Whereas, tens of thousands of people in the State and across the country are waiting for organ and tissue transplants; and

Whereas, these transplants can make the difference between life and death for some and between a life of pain and a full, productive life for others; and

Whereas, according to a recent Gallup Poll, 72% of Americans would consent to the donation of a deceased loved one's organs if asked, but only 10% of potential donors became donors; and

Whereas, the one-year success rate for organ and tissue transplants is high and is increasing each year; and

Whereas, this bill provides a sensitive, compassionate method to require the request of organ donations in certain instances and this request will increase the number of people who will receive organ and tissue transplants and thus increase the number

of people who can live a productive life without pain and will decrease the needless deaths caused by lack of a donated organ, the gift of life; and

Whereas, the sooner this bill is implemented, the sooner needless pain and suffering and needless death can be alleviated; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2904, sub-§5, as enacted by PL 1969, c. 193, is amended to read:

5. How made. Any gift by a person designated in section 2902, subsection 2 shall be made by a document signed by him, or made by his telegraphic, recorded telephonic or other recorded message.

This subsection includes, but is not limited to, gifts made pursuant to section 2910. Any gift pursuant to section 2910, by a person designated in section 2902, subsection 2, shall be made by a document signed by him, by a telegraphic, recorded telephonic or other recorded message, or by a telephonic message witnessed by at least 2 people in which case the witnesses shall document the telephonic message in writing.

Sec. 2. 22 MRSA §2907, sub-§4, as enacted by PL 1969, c. 193, is repealed and the following enacted in its place:

4. Applicability of other laws. This chapter is subject to the laws of this State prescribing powers and duties with respect to autopsies and to the provisions of chapter 711, the Medical Examiner Act.

Sec. 3. 22 MRSA §2910 is enacted to read:

§2910. Request for consent required to an anatomical gift

1. Request for consent required. When a death occurs in a hospital, a request for consent to an an-

anatomical gift shall be made in accordance with the following provisions.

A. Where, based upon accepted medical standards, a decedent who has not made an anatomical gift is a suitable candidate for organ or tissue donation, the attending physician, or if he is unavailable or if he made the determination of death, the hospital administrator, or his designated representative, shall at the time of death request the person designated in section 2902, subsection 2, to consent to the gift of all or any part of the decedent's body as an anatomical gift for any or all of the purposes expressed in section 2903. This request is subject to all the provisions of this chapter.

B. Persons who will make requests for anatomical gifts shall be given training in the appropriate procedures for making the request. A person who determined the death of the decedent may not make the request for that decedent.

2. Medical records. When a request for an anatomical gift is made pursuant to this section, the request and its disposition shall be noted in the decedent's medical record.

3. Interhospital agreements. Hospitals shall develop and implement interhospital agreements among themselves which establish protocols for the retrieval and transportation of all or any part of a body found suitable for transplantation and for the costs associated with transplantation.

4. Annual reports. Hospitals shall report annually to the commissioner the number of requests for anatomical gifts made and the number of organs retrieved pursuant to this section and the overall impact of this section. This report shall not contain any information which can identify the decedents or any person to whom a request for an anatomical gift was made.

5. Rules. The commissioner shall establish rules concerning the training of persons who will perform the request for an anatomical gift pursuant to this section and may establish other rules necessary to implement this section. The commissioner shall appoint a committee of medical and hospital representatives to make recommendations regarding

rules concerning the interhospital agreements pursuant to subsection 3.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 10, 1986.

## CHAPTER 575

H.P. 1449 - L.D. 2042

### AN ACT to Establish a One-day Fishing License.

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

Sec. 1. 12 MRSA §7151, sub-§3, ¶C, as amended by PL 1979, c. 704, §8, is further amended to read:

C. Any resident who procures a one-day or 3-day license may exchange it for an annual resident fishing license in the town in which he resides upon the payment of \$1 to the clerk or issuing agent and, in the case of the one-day license, the difference between the fee for that license and the fee for the annual license.

Sec. 2. 12 MRSA §7151, sub-§5, ¶E, as repealed and replaced by PL 1983, c. 807, Pt. P, §8, is repealed and the following enacted in its place:

E. Three-day fishing license      \$15      \$16      \$17

(Valid for 3 days from date indicated on license)

Sec. 3. 12 MRSA §7151, sub-§5, ¶J is enacted to read:

J. One-day fishing license      \$5      \$5      \$5

(Valid for the date indicated on license)