

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**4. Expungement.** A person whose DNA record has been stored in the state DNA data base may petition the Superior Court for expungement on the ground that the conviction or adjudication justifying the inclusion of the DNA record in the state DNA data base has been reversed or dismissed. Upon receipt of an expungement order and a certified copy of the order reversing and dismissing the conviction or adjudication, the Chief of the State Police shall purge from the state DNA data base the DNA record and all identifiable information resulting exclusively from the reversed conviction or adjudication.

See title page for effective date.

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## CHAPTER 394

### H.P. 212 - L.D. 257

#### An Act To Honor the Intent of Organ Donors

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

**Sec. 1. 22 MRSA §2911** is enacted to read:

**§2911. Honor intent of organ donors**

**1. General rule.** The intention of a person to make a donation of that person's own body organ or tissue after death must be honored. In the absence of a written statement overriding donor intent in accordance with subsection 2, or revocation or amendment of the donor's execution of the intent to donate under section 2906, Title 18-A, Article 5, Part 8 or Title 29-A, section 1402-A, health care providers licensed in this State and federally designated organ procurement organizations shall act in accordance with the donor's intention and may take appropriate actions to effect the gift.

**2. Overriding donor intent.** Next of kin to a person who has expressed intent to donate that person's own body organ or tissue after death may override the intention of the donor in accordance with this subsection by executing a written statement, witnessed by a person who is not a relative of the donor. The written statement must indicate that the signer has discussed honoring the intent of the organ donor with a representative of an organ procurement organization and must include:

A. An indication that the donor revoked or altered the statement of intent to donate, as provided in section 2906 or Title 18-A, Article 5, Part 8. Next of kin acting under this paragraph shall provide evidence of revocation or alteration by the donor after the date of the donor's expressing a willingness or intention to donate; or

B. An indication of the decision of the signer to override the expressed intention of the donor.

If more than one person qualifies as next of kin and also qualifies to execute an anatomical gift of all or part of the decedent's body under this chapter or any other provision of law, the document used to override donor intent must show the agreement of a majority of those persons at the level of priority of the signer under Title 18-A, section 5-805 or Title 22, section 2902, subsection 2.

**Sec. 2. 29-A MRSA §1301, sub-§8** is enacted to read:

**8. Organ and tissue donation.** This subsection applies to organ donation under section 1402-A.

A. Before issuing or renewing a driver's license, the Secretary of State shall make available to the applicant a short statement on the opportunity to save a life through organ and tissue donation and shall provide the applicant an opportunity to become an organ or tissue donor. The applicant must be given a form on which to indicate whether the applicant intends to become a donor.

B. Information regarding the opportunity to save a life through organ and tissue donation must be prominently displayed on driver's license information mailed to applicants or distributed at offices of the bureau and must be prominently displayed on posters in offices of the bureau.

**Sec. 3. 29-A MRSA §1354, sub-§6, ¶B,** as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

B. The Secretary of State shall develop and implement a standardized driver education curriculum that establishes minimum standards for instructional goals and learning objectives. The Secretary of State shall require distribution of information on organ and tissue donation and the possibility of saving lives through organ donation.

**Sec. 4. 29-A MRSA §1402-A, sub-§§4 and 5** are enacted to read:

**4. Anatomical gift coordination.** In order to coordinate the donation of anatomical gifts and the receipt and transplantation of organs and tissues, beginning July 1, 2004, the Secretary of State shall perform the following duties.

A. The Secretary of State shall modify its existing database system to maintain the Maine Organ Donor Registry, referred to in this section as "the registry." The Secretary of State shall include information on donors who indicate their inten-

tion to donate through the Office of the Secretary of State.

B. The Secretary of State shall establish a volunteer advisory committee to provide advice and information regarding anatomical gifts, public information programs and donor recognition programs.

C. Information maintained in the registry must be made available through a secure site on the Internet, designed to guard donor and family privacy, to federally designated organ procurement organizations as necessary for the coordination of receipt of anatomical gifts and coordination of transplantation of organs and tissues.

D. The Secretary of State shall invite each hospital in the State to nominate individual donors or families for a "Gift of Life" award. The Secretary of State shall forward the names of 5 persons to the Governor each year for commendation through the "Gift of Life" award for their generosity and humanitarian spirit.

E. Notwithstanding Title 22, section 1711-C and any other provision of law to the contrary, a health care provider licensed in this State to provide primary health care shall provide information to a federally designated organ procurement organization regarding a patient who has indicated a willingness to become an organ donor under this section, Title 18-A, Article 5, Part 8 or Title 22, chapter 710 if such information is provided in accordance with professional standards applicable to organ donation and if donor intent has not been overridden pursuant to Title 22, section 2911, subsection 2.

5. Effect. An expression of willingness to make an anatomical gift under this section has the same effect as a designation under Title 18-A, Article 5, Part 8 or Title 22, chapter 710. Revocation or suspension of the right to drive under this chapter does not affect the expressed willingness of a person to make an anatomical gift under this section.

**Sec. 5. Organ and tissue donation information.** The Secretary of State shall make available to driver education schools information regarding organ and tissue donation.

**Sec. 6. Effective date.** This Act takes effect July 1, 2004, except that the provision that enacts the Maine Revised Statutes, Title 29-A, section 1402-A, subsections 4 and 5 takes effect after implementation of the computer system scheduled for installation in the Office of the Secretary of State in 2004.

Effective July 1, 2004, unless otherwise indicated.

## CHAPTER 395

### H.P. 334 - L.D. 426

#### An Act To Preserve the Integrity of the Voting Process

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

**Sec. 1. 21-A MRSA §122, sub-§9,** as enacted by PL 1991, c. 466, §4, is amended to read:

**9. Regulation of registration monitors.** Anyone who wishes to monitor the names and addresses of persons who are registering at the registrar's office or the clerk's office shall inform the registrar or clerk of ~~their~~ that intent. Anyone who wishes to monitor the names and addresses of persons who are registering at the polling place shall inform the registrar or clerk of that intent by submitting a written, signed statement containing the proposed monitor's name, address and intent. The registrar or clerk may designate a place where a person monitoring registrations may stand. The registrar or clerk shall then announce the name and address of individuals registering to vote in a loud and clear voice. A person monitoring registrations shall direct any questions the person has to the registrar or clerk. These questions must be limited to information pertinent to the qualifications of an individual to register. A person monitoring registrations may not ask questions of individuals waiting to register concerning their eligibility to vote. A polling place registration monitor may not handle or inspect registration cards, files or other materials used by the registrar or clerk except as provided in section 22. A monitor may not inhibit the work of the registrar or clerk. If the work of a registrar or clerk appears to be inhibited, the warden may request a reduction in the number of monitors present in the polling place. A registrar or clerk may require a person monitoring registrations who violates the provisions of this subsection to leave the building.

**Sec. 2. 21-A MRSA §673, sub-§1,** as amended by PL 1997, c. 436, §96, is further amended to read:

**1. How made.** The challenge must be made to the warden. The challenger must state in the form of a signed affidavit setting forth, under oath administered by the warden, the challenger's name, address, party affiliation, status as a registered voter in the municipality, the name of the voter challenged and the reason for the challenge, the reason the particular individual being challenged may be ineligible to vote, the specific source of the information or personal knowledge upon which the challenge of the particular individual is based and a statement that the challenger