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An Act To Amend the Laws Regarding the Maine Organ and Tissue Donation Fund

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

Whereas, current law allows Maine residents to donate to the Maine Organ and Tissue Donation Fund through a check-off option when obtaining or renewing a driver's license; and

Whereas, the donated funds are collected by the Secretary of State for use by the Organ Donation Advisory Council for the purposes of facilitating the education and registration of residents of the State in organ donation; and

Whereas, under current law the Secretary of State is required to report to the Treasurer of State the available funds for distribution to the fund; and

Whereas, means do not exist for the Organ Donation Advisory Council to be the fiscal administrator of the fund, and therefore the funds cannot be distributed as required by law; 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. 29-A MRSA §1312, sub-§2, as enacted by PL 2013, c. 127, §1 and affected by §5, is amended to read:

2. Contributions credited to Maine Organ and Tissue Donation Fund. The Secretary of State shall determine annually the total amount contributed pursuant to subsection 1. ~~Prior to the beginning of the next year, the~~All interest earned by the fund pursuant to section 1402-B, subsection 4 becomes part of the fund. The Secretary of State shall deduct the cost of administering the Maine Organ and Tissue Donation Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Organ and Tissue Donation Fund, not to exceed 1% of the total donations collected. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years. Fund revenue must be collected, managed, deposited, invested and disbursed to the Organ Donation Advisory Council under section 1402-B by the Secretary of State.

Sec. 2. 29-A MRSA §1402-B, sub-§4, as enacted by PL 2013, c. 127, §4 and affected by §5, is amended to read:

4. Maine Organ and Tissue Donation Fund. The Maine Organ and Tissue Donation Fund, referred to in this subsection as "the fund," is established as an interest-bearing account administered by the council for the purpose of facilitating the education and registration of residents of the State in organ donation ~~Secretary of State.~~ Any private or public funds appropriated, allocated, dedicated or donated to

the fund, including from the Maine Organ and Tissue Donation Fund checkoff under section 1312, must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years. All money received into the fund must be used by the council for the purposes of ~~the fund except that balances in the fund may be used~~ facilitating the education and registration of residents of the State in organ donation and for the necessary administrative expenses of the council ~~in the administration of the fund~~.

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

SUMMARY

This bill clarifies that the Secretary of State and not the Treasurer of State manages the Maine Organ and Tissue Donation Fund and distributes revenue to the Organ Donation Advisory Council, that all interest accrued by the fund becomes part of the fund and that the fund is nonlapsing.