

**§2942. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 601, §2 (NEW).]

**1. Agent.** "Agent" means an individual:

A. Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or [PL 2007, c. 601, §2 (NEW).]

B. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal. [PL 2007, c. 601, §2 (NEW).]  
[PL 2007, c. 601, §2 (NEW).]

**2. Anatomical gift.** "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purposes of transplantation, therapy, research or education. [PL 2007, c. 601, §2 (NEW).]

**3. Chief Medical Examiner.** "Chief Medical Examiner" means the Office of Chief Medical Examiner within the Office of the Attorney General.  
[PL 2017, c. 475, Pt. A, §32 (AMD).]

**4. Decedent.** "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift. "Decedent" includes a stillborn infant and, subject to restrictions imposed by law other than this chapter, a fetus.  
[PL 2007, c. 601, §2 (NEW).]

**5. Disinterested witness.** "Disinterested witness" means a witness other than the spouse, domestic partner, child, parent, sibling, grandchild, grandparent or guardian of the individual who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual and who is familiar with the individual's personal values. "Disinterested witness" does not include a person to which an anatomical gift could pass under section 2951.  
[PL 2021, c. 567, §22 (AMD).]

**6. Document of gift.** "Document of gift" means a donor card, advance directive or other record used to make an anatomical gift. "Document of gift" also means inclusion in a donor registry.  
[PL 2007, c. 601, §2 (NEW).]

**7. Donor.** "Donor" means an individual whose body or part is the subject of an anatomical gift.  
[PL 2007, c. 601, §2 (NEW).]

**8. Donor registry.** "Donor registry" means the Maine Organ Donor Registry maintained under Title 29-A, section 1402-A as well as any other electronic database that identifies donors and complies with section 2958.  
[PL 2007, c. 601, §2 (NEW).]

**9. Driver's license.** "Driver's license" means a license or permit issued by the Secretary of State to operate a vehicle whether or not conditions are attached to the license or permit.  
[PL 2007, c. 601, §2 (NEW).]

**10. Eye bank.** "Eye bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.  
[PL 2007, c. 601, §2 (NEW).]

**11. Guardian.** "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health and welfare of an individual. "Guardian" does not include a guardian ad litem.  
[PL 2007, c. 601, §2 (NEW).]

**12. Hospital.** "Hospital" means a facility licensed as a hospital under chapter 405 or the law of any state or a facility operated as a hospital by the United States, a state or a subdivision of a state.  
[PL 2007, c. 601, §2 (NEW).]

**13. Identification card.** "Identification card" means a nondriver identification card issued by the Secretary of State under Title 29-A, section 1410.  
[PL 2007, c. 601, §2 (NEW).]

**14. Know.** "Know" means to have actual knowledge.  
[PL 2007, c. 601, §2 (NEW).]

**15. Organ procurement organization.** "Organ procurement organization" means a person designated by the United States Secretary of Health and Human Services as an organ procurement organization.  
[PL 2007, c. 601, §2 (NEW).]

**16. Parent.** "Parent" means a parent whose parental rights have not been terminated.  
[PL 2007, c. 601, §2 (NEW).]

**17. Part.** "Part" means an organ, an eye or tissue of a human being. "Part" does not include the whole body.  
[PL 2007, c. 601, §2 (NEW).]

**18. Person.** "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.  
[PL 2007, c. 601, §2 (NEW).]

**19. Physician.** "Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.  
[PL 2007, c. 601, §2 (NEW).]

**20. Procurement organization.** "Procurement organization" means an eye bank, organ procurement organization or tissue bank.  
[PL 2007, c. 601, §2 (NEW).]

**21. Prospective donor.** "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. "Prospective donor" does not include an individual who has made a refusal that is known by the procurement organization.  
[PL 2007, c. 601, §2 (NEW).]

**22. Reasonably available.** "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.  
[PL 2007, c. 601, §2 (NEW).]

**23. Recipient.** "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.  
[PL 2007, c. 601, §2 (NEW).]

**24. Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.  
[PL 2007, c. 601, §2 (NEW).]

**25. Recovery agency.** "Recovery agency" means an eye bank, organ procurement organization, tissue bank, educational institution or research organization that participates in or facilitates the execution of an anatomical gift.  
[PL 2007, c. 601, §2 (NEW).]

**26. Refusal.** "Refusal" means a record created under section 2947 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

[PL 2007, c. 601, §2 (NEW).]

**27. Registered domestic partner.**

[PL 2021, c. 567, §23 (RP).]

**28. Sign.** "Sign" means, with the present intent to authenticate or adopt a record:

A. To execute or adopt a tangible symbol; or [PL 2007, c. 601, §2 (NEW).]

B. To attach or logically associate with the record an electronic symbol, sound or process. [PL 2007, c. 601, §2 (NEW).]

[PL 2007, c. 601, §2 (NEW).]

**29. State.** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

[PL 2007, c. 601, §2 (NEW).]

**30. Technician.** "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. "Technician" includes an enucleator.

[PL 2007, c. 601, §2 (NEW).]

**31. Tissue.** "Tissue" means a portion of the human body other than an organ or an eye. "Tissue" does not include blood unless the blood is donated for purposes of research or education.

[PL 2007, c. 601, §2 (NEW).]

**32. Tissue bank.** "Tissue bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

[PL 2007, c. 601, §2 (NEW).]

**33. Transplant hospital.** "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

[PL 2007, c. 601, §2 (NEW).]

## SECTION HISTORY

PL 2007, c. 601, §2 (NEW). PL 2017, c. 475, Pt. A, §32 (AMD). PL 2021, c. 567, §§22, 23 (AMD).

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