The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 12, “An Act To Incorporate Protections for Living Donors into Maine Law.”

Once again, the Legislature seeks to compel Maine to become an outlier in regulatory policy. This bill would make Maine one of the only states in the nation to prohibit life, long-term care, and disability insurers from considering living organ donor status among prospective policyholders.

While the decision to donate a kidney or other organ is commendable, it carries significant health risks that could affect other policyholders in the insurance context. It is important to note this bill does not apply to health insurance, where donors already have guaranteed issue rights and other important protections. It applies only to more discretionary policies that concern finances, such as life, long-term care, and disability income insurance. These types of coverage have always been subject to risk-based underwriting and rating, and prohibiting those practices would substantially change the nature of the market for these lines of insurance.

This bill would allow people to buy these coverages immediately prior to their organ donation procedure, which would create adverse selection and skew insurers’ actuarial estimates. LD 12 is borne of good intentions but surely the Legislature can think of a better way to help those who donate organs than making Maine the first state to tinker with voluntary insurer risk pools in this way.

For these reasons, I return LD 12 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

Paul R. LePage
Governor