

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1245

S. P. 406

In Senate, March 15, 1979

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

Presented by Senator Gill of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Amend the Law with Regard to the Diagnostic Laboratory of the  
Department of Human Services.**

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

**22 MRSA § 562, 3rd ¶**, as enacted by PL 1975, c. 618, is amended to read:

Services considered **by the department** to be essential to the maintenance of the public health ~~including but not limited to services related to the diagnosis of tuberculosis and venereal disease~~ shall be provided free to the people of the state.

STATEMENT OF FACT

The present law requires that the Department of Human Services provide diagnostic laboratory services for free when these services are considered to be essential to the maintenance of public health. However, the present language of the statute gives the department no discretion in deciding whether or not services related to venereal disease are, or are not, essential. Since the statute was first enacted, hospitals and private laboratories have developed the ability to do this testing accurately and at very little cost. At the same time, over a 5-year period, the department examined 100,000 blood pre-marital samples at a cost of \$470,000 and found only one new case of syphilis.

Since most syphilis testing is now done voluntarily for prenatal or premarital purposes, the department wishes to have the freedom to decide whether or not this testing remains so essential to the public health that it must continue to be done for free.