

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1538

H.P. 1128 House of Representatives, May 13, 1987
Submitted by the Department of Defense and Veterans'
Services pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative HICHBORN of LaGrange.
Cosponsored by Senator BALDACCI of Penobscot and
Representative HILLOCK of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Allowing Restricted Disclosure of
2 HTLV III Test Results within a
3 Federally-mandated Military Testing
4 Program.
5

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

8 5 MRSA §17003, as enacted by PL 1985, c. 711, §2,
9 is amended by adding at the end a new paragraph to
10 read:

11 This section does not prohibit limited adminis-
12 trative disclosure in conjunction with a mandatory
13 testing program of a military organization subject to
14 Title 37-B.

1

STATEMENT OF FACT

2 Present law appears to preclude the disclosure of
3 HTLV III test results within the Maine National Guard
4 testing program. The Maine National Guard is not
5 listed as one of the 7 disclosure exceptions to con-
6 fidentiality of test results. The Maine National
7 Guard is on most occasions on State Active Duty sta-
8 tus, including those where testing is likely to oc-
9 cur, making the federally-mandated procedures and
10 disclosure of HTLV III testing a state function argu-
11 ably in violation of state law. Naturally, this
12 federally-mandated testing program is not designed to
13 circumvent the principles of Maine law, but there is
14 a legitimate need to know for disclosures within the
15 military chain of command to accommodate individuals
16 testing positive, especially in the event they con-
17 tinue in the military. The restrictive "need to
18 know" basis for disclosure meets the intent and prin-
19 ciple of the Maine Revised Statutes, Title 5, section
20 17003, and thus this bill creates an exception.

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