

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 359,  
L.D. 513, Bill, "An Act Requiring the Provision of Information to  
Victims of Gross Sexual Assault"

Amend. the amendment in section 1 in subsection 10 in  
paragraph B in the first line (page 1, line 30 in amendment) by  
striking out the following: "petitioner" and inserting in its  
place the following: 'victim-witness advocate' and in the 2nd  
line (page 1, line 31 in amendment) by inserting after the  
following: "assault" the following: 'who shall disclose to a  
petitioner under section 19203-E'

Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 2 in the 5th line (page 2,  
line 23 in amendment) by striking out the following: "an HIV  
test" and inserting in its place the following: 'HIV Testing'

Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 3 in paragraph C in the  
first line (page 3, line 4 in amendment) by striking out the  
following: "client" and inserting in its place the following:  
'convicted offender'

Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 4 in paragraph C in the 3rd  
and 4th lines (page 3, lines 20 and 21 in amendment) by striking  
out the following: "or the convicted offender's counsel"

Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 4 in paragraph D in the 2nd  
line (page 3, line 25 in amendment) by striking out the  
following: "or the convicted offender's counsel"

2 Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 5 in the 2nd line (page 3,  
4 line 28 in amendment) by striking out the following: "an HIV  
test" and inserting in its place the following: 'HIV Testing'

6 Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 6 in the 2nd line (page 3,  
8 line 45 in amendment) by striking out the following: "an HIV  
test" and inserting in its place the following: 'HIV Testing'

10 Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 8 in the first line (page 4,  
12 line 6 in amendment) by striking out the following: "to bureau"

14 Further amend the amendment in section 3 in that part  
designated "§19203-E." in subsection 8 (page 4, line 10 in  
16 amendment) by inserting after the first sentence a new sentence  
18 to read: 'The health care facility in which a convicted offender  
required to undergo an HIV test is tested shall disclose the  
20 results of the convicted offender's test to the victim-witness  
advocate who shall disclose the results to the petitioner. The  
22 convicted offender's HIV test results may not be disclosed to the  
petitioner until the petitioner has received counseling regarding  
24 the nature, reliability and significance of the convicted  
offender's HIV test and the confidential nature of the test. All  
26 counseling must be provided by a Department of Human Services  
certified HIV antibody counselor.'

28 Further amend the amendment by inserting after section 3 and  
30 before the fiscal note the following:

32 'Sec. 4. 5 MRSA §19204-A, first ¶, as repealed and replaced by  
PL 1987, c. 811, §8, is amended to read:

34 Except as otherwise provided by this chapter, persons who  
36 obtain an HIV test shall must be offered pretest and post-test  
counseling. Persons who are authorized by section 19203-C or  
38 19203-E to receive test results after accidental exposure shall  
must be offered counseling regarding the nature, reliability and  
40 significance of the HIV test and the confidential nature of the  
test.'

#### 42 44 STATEMENT OF FACT

46 This amendment deletes references to the convicted  
offender's counsel and specifically provides for the release of

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2 the convicted offender's test results to the victim-witness  
advocate who then discloses the results to the petitioner after  
4 the petitioner has received counseling regarding the nature,  
reliability and significance of the convicted offender's HIV test  
6 result. It also requires the availability of counseling when the  
victim receives the convicted offender's test results.

Filed by Rep. Paradis of Augusta  
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