

# MAINE STATE LEGISLATURE

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**HUMAN RESOURCES**

Reported by: The Minority of the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " B " to S.P. 129, L.D. 321, Bill, "An Act to Implement the Recommendations of the Maine HIV Advisory Committee Concerning HIV Testing"

Amend the bill by striking out the title and substituting the following:

**'An Act Concerning HIV Testing'**

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

**'Sec. 1. 5 MRSA §19203, sub-§8,** as amended by PL 1989, c. 487, §1, is further amended to read:

**8. Bureau of Health.** To the Bureau of Health, which may disclose results to other persons only if that disclosure is necessary to carry out its duties as provided in Title 22, sections 3, 7 and 42 and chapters 250 and 251; or

**Sec. 2. 5 MRSA §19203, sub-§9,** as repealed and replaced by PL 1987, c. 811, §3, is amended to read:

**9. Medical records.** As part of a medical record when release or disclosure of that record is authorized pursuant to section 19203-D~~+~~-~~er~~.

**Sec. 3. 5 MRSA §19203, sub-§10,** as repealed and replaced by PL 1991, c. 803, §1, is repealed.

**Sec. 4. 5 MRSA §19203-C,** as amended by PL 1989, c. 219, §§1 and 2, is repealed.

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COMMITTEE AMENDMENT "B" to S.P. 129, L.D. 321

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Sec. 5. 5 MRSA §19203-E, as amended by PL 1993, c. 391, §§1 and 2, is repealed.

Sec. 6. 5 MRSA §19204-A, first ¶, as amended by PL 1991, c. 803, §4, is further amended to read:

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

Further amend the bill by inserting at the end before the statement of fact the following:

**FISCAL NOTE**

The Judicial Department may realize some minor savings from reductions of workload, administrative costs and indigent defense costs associated with the minimal number of cases that will no longer be filed in the court system.'

**STATEMENT OF FACT**

This amendment is the minority report of the committee. It replaces the bill. It repeals provisions in the law under which a person may request an order from a court that another person be tested for HIV. It repeals cross-references to those provisions. It adds a fiscal note to the bill.