

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
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**1991**

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whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group;

**Sec. 8. PL 1989, c. 806, §7** is amended to read:

**Sec. 7. Effective date.** The Maine Revised Statutes, Title 32, section 13964 takes effect ~~January 1, 1991~~ April 1, 1991.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, unless otherwise indicated.

Effective December 14, 1990, unless otherwise indicated.

## CHAPTER 3

### S.P. 17 - L.D. 6

#### An Act to Restrict Disclosure of HIV Test Results

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation prohibits insurers from requesting insurance applicants to reveal the results of prior testing for the presence of antibodies to HIV; and

**Whereas,** these provisions were previously enacted in the Maine Revised Statutes, Title 5, but were inadvertently repealed on October 1, 1990; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §19204-C** is enacted to read:

**§19204-C. Restrictions upon revealing HIV antibody test results**

No insurer, nonprofit hospital or medical services organization or nonprofit health care plan may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV or a test to measure the virus or to reveal the results of such tests taken prior to an application for insurance coverage.

**Sec. 2. 24 MRSA §2332-B**, as enacted by PL 1989, c. 176, §1, is repealed and the following enacted in its place:

**§2332-B. Acquired Immune Deficiency Syndrome**

**1. Definitions.** As used in this section, "HIV" and "antibody to HIV" have the same meanings as set out in Title 5, section 19201.

**2. Prohibitions.** No individual or group hospital, medical or health care service contract delivered or issued for delivery in this State, other than a contract that provides benefits for specific diseases or accidental injuries only, may provide more restrictive coverage for Acquired Immune Deficiency Syndrome, or AIDS, AIDS Related Complex, or ARC, HIV-related diseases or for related services, than for any other disease or sickness, or exclude coverage for AIDS, ARC or HIV-related diseases, except through an exclusion under which all diseases and sicknesses are treated equally.

**3. Test results.** No nonprofit hospital or medical services organization or nonprofit health care plan may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV or a test to measure the virus or to reveal the results of such tests taken prior to an application for coverage.

**Sec. 3. 24-A MRSA §2159, sub-§§5 and 6** are enacted to read:

**5. Definitions.** As used in this section, "HIV" and "antibody to HIV" have the same meanings as set out in Title 5, section 19201.

**6. Test results.** No insurer may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV or a test to measure the virus or to reveal the results of such tests taken prior to an application for insurance coverage.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective December 14, 1990.

## CHAPTER 4

### S.P. 16 - L.D. 5

#### An Act to Provide a Salary Payment Option for Legislators

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** certain Legislators receive Social Security retirement benefits; and

**Whereas,** the current system of unequal annual payments of a Legislator's salary causes a reduction of Social Security retirement benefits in the first year of the biennium; and