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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 266, L.D. 412, “An Act to Prohibit the Sale or Provision of Self-administered Sexual Assault Forensic Evidence Collection Kits”

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

'An Act to Prohibit the Sale of Self-administered Sexual Assault Forensic Evidence Collection Kits'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 25 MRSA §2915-A is enacted to read:

§2915-A. Sale of self-administered sexual assault forensic evidence collection kit prohibited

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Person" has the same meaning as in Title 5, section 206, subsection 2.

B. "Self-administered sexual assault forensic evidence collection kit" means materials advertised or marketed as a means for a person other than a licensed hospital or licensed health care practitioner to collect physical evidence of a sexual assault.

C. "Sexual assault" has the same meaning as in section 2915, subsection 3-A.

2. Prohibition. A person may not sell or offer for sale a self-administered sexual assault forensic evidence collection kit.

3. Admissibility. This section does not affect the admissibility in a court proceeding of evidence collected using a self-administered sexual assault forensic evidence collection kit.

4. Violation. There is a rebuttable presumption that a violation of this section is a violation of the Maine Unfair Trade Practices Act.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill and changes the title. The amendment prohibits the
5 sale or offering for sale of materials advertised or marketed as a means for a person other
6 than a licensed hospital or licensed health care practitioner to collect physical evidence of
7 a sexual assault, referred to in the amendment as a self-administered sexual assault forensic
8 evidence collection kit, and establishes a rebuttable presumption that a violation of this
9 prohibition is a violation of the Maine Unfair Trade Practices Act. The amendment also
10 clarifies that this prohibition does not affect the admissibility in a court proceeding of
11 evidence collected using a self-administered sexual assault forensic evidence collection kit.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**