

MAINE STATE LEGISLATURE

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July 30, 1946

To Francis J. McCabe, Warden
Maine State Prison

I have your letter of July 26th. . . relating to the application for a blood specimen of one of the prisoners at the State Prison.

The submission to the taking of a blood specimen is purely voluntary on the part of the prisoner, and consequently this may not be done without his consent. It would constitute an assault and battery if it was done without his consent.

Where he is in your custody, no blood specimen should be taken unless it is done after a full disclosure to him of the facts and the purpose for which it is taken. If he then acquiesces, I can see no objection to its being done.

Abraham Breitbard
Deputy Attorney General

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