

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 914

H.P. 658

House of Representatives, February 2, 1999

An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SHIELDS of Auburn.
Cosponsored by Representative BROOKS of Winterport, Senators: DAVIS of Piscataquis,
MITCHELL of Penobscot.

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

2
4 **Sec. 1. 5 MRSA §19203-A, sub-§6** is enacted to read:

6 **6. Mandatory testing of clients of the Department of**
8 **Corrections.** Notwithstanding any other provision of law, the
10 Department of Corrections shall perform HIV testing on all
12 clients of the department, as defined in Title 34-A, section
14 1001, subsection 1-A, when the clients are admitted to a
16 department facility and prior to discharge from the facility.
18 Judicial consent is not required prior to testing. Release of
20 test results is governed by the provisions of this chapter.

22 **Sec. 2. 22 MRSA §836** is enacted to read:

24 **§836. Testing by Department of Corrections**

26 Notwithstanding any other provision of law, the Department
28 of Corrections shall perform blood-borne pathogen testing,
30 including but not limited to hepatitis-B and hepatitis-C testing,
32 on all clients of the department, as defined in Title 34-A,
34 section 1001, subsection 1-A, when the clients are admitted to a
36 department facility. Judicial consent is not required prior to
38 testing.

SUMMARY

40 This bill requires the Department of Corrections to perform
42 HIV, hepatitis-B and hepatitis-C testing on all clients of the
44 department. It does not require judicial consent for such
46 testing. Release of test results is subject to the usual
48 provisions of the HIV testing laws.