

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 168

H.P. 145

House of Representatives, January 27, 2011

**An Act To Require a Medical Examiner To Determine whether an
Autopsy Is Needed in the Case of the Death of a Prisoner in a
Correctional Facility**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Representatives: BRYANT of Windham, CHAPMAN of Brooksville, HINCK
of Portland, STUCKEY of Portland, Senator: GERZOFSKY of Cumberland.

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

2 **Sec. 1. 34-A MRSA §3045**, as amended by PL 1991, c. 314, §49, is further
3 amended to read:

4 **§3045. Death of client**

5 When ~~the death of~~ any client in any correctional or detention facility ~~is not clearly the~~
6 ~~result of natural causes~~ dies, an examination and inquest must be held as in other cases,
7 and the commissioner or the chief administrative officer of the facility shall cause a
8 medical examiner to be immediately notified for that purpose. The medical examiner
9 shall also review the case file, relevant medical records and body and determine whether
10 an autopsy is needed. If the medical examiner determines that an autopsy is needed, an
11 autopsy must be performed unless the client had expressed a preference when admitted to
12 the facility or at any other time that an autopsy not be performed or the next of kin of the
13 client expresses a preference that an autopsy not be performed. The next of kin of the
14 client may also request that an autopsy be performed, in which case an autopsy must be
15 performed.

16 **SUMMARY**

17 This bill requires that an examination and inquest be held whenever a prisoner in a
18 state correctional or detention facility dies.

19 It also requires a medical examiner to determine whether an autopsy is needed. If the
20 medical examiner determines that an autopsy is needed, an autopsy must be performed
21 unless the prisoner had expressed a preference when admitted to the facility or at any
22 other time that an autopsy not be performed or the next of kin of the prisoner expresses a
23 preference that an autopsy not be performed. The next of kin of the client may also
24 request that an autopsy be performed, in which case an autopsy must be performed.