

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

Sec. 1. 22 MRSA §3025, sub-§1, ¶D, as repealed and replaced by PL 1985, c. 611, §6, is amended to read:

D. Death when the person is in custody pursuant to an arrest, confined in a state correctional facility, county institutionjail, other correctional facility or local lockup, unless clearly certifiable by an attending physician as due to specific natural causesor is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official;

Sec. 2. 30-A MRSA §1562-A is enacted to read:

§ 1562-A. Death of a prisoner

When a prisoner in county or state custody dies, an examination and inquest must be held, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "county or state custody" means custody pursuant to an arrest, confinement in a state correctional facility, county jail, other correctional facility or local lockup or when the prisoner is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed.

Sec. 3. 30-A MRSA §1563, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§ 1563. Disposal of body of person who died in jail

When a person dies in jail and if the medical examiner determines that an autopsy is not needed under section 1562#A, the jailer or sheriff shall deliver the body to the friends of the deceased, if requested. Otherwise, the jailer or sheriff shall dispose of it for anatomical purposes, as provided in Title 22, chapter 709, unless the deceased at any time requested to be buried, in which case the jailer or sheriff shall bury the body in the common burying ground and the burial expenses shallmust be paid by the municipality in which the deceased had a residence, if any in the State, or, if not, by the State.

Sec. 4. 34-A MRSA §3045, as amended by PL 1991, c. 314, §49, is further amended to read:

§ 3045. Death of client

PUBLIC Law, Chapter 60, LD 168, 125th Maine State Legislature
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Is Needed in the Case of the Death of a Prisoner in a Correctional Facility

~~When the death of any client in any correctional or detention facility is not clearly the result of natural causes~~county or state custody dies, an examination and inquest must be held as in other cases, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "county or state custody" means custody pursuant to an arrest, confinement in a state correctional facility, county jail, other correctional facility or local lockup or when the prisoner is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed.

Effective 90 days following adjournment of the 125th
Legislature, First Regular Session, unless otherwise indicated.