



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1044

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H.P. 772

House of Representatives, March 10, 2021

### **An Act To Protect the Rights of Certain Incarcerated Individuals**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative WARREN of Hallowell.  
Cosponsored by Representatives: BAILEY of Gorham, Speaker FECTEAU of Biddeford,  
MORALES of South Portland, OSHER of Orono, RECKITT of South Portland, TALBOT  
ROSS of Portland, WOOD of Portland, Senator: DAUGHTRY of Cumberland.

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

2 **Sec. 1. 34-A MRSA §3031, sub-§8**, as amended by PL 2019, c. 139, §2, is further  
3 amended to read:

4 **8. Visitation.** A reasonable opportunity to visit with relatives and friends, in  
5 accordance with departmental policies and institutional procedures, ~~provided~~ except that  
6 the department may restrict or prohibit visits when the restriction or prohibition is necessary  
7 for the security of the institution; ~~and~~

8 **Sec. 2. 34-A MRSA §3031, sub-§9**, as enacted by PL 2019, c. 139, §3, is amended  
9 to read:

10 **9. Menstrual products.** Comprehensive access to menstrual products, including, but  
11 not limited to, sanitary pads and tampons, provided and available at all times and without  
12 inconvenience or charge to a person who menstruates who resides in a correctional or  
13 detention facility; ~~and~~

14 **Sec. 3. 34-A MRSA §3031, sub-§10** is enacted to read:

15 **10. Gender affirmation.** Have the person's consistently held gender identity  
16 respected and acknowledged, irrespective of anatomy or physique, including ensuring  
17 housing and search procedures that are consistent with the gender identity and for all staff  
18 and representatives of the correctional or detention facility use the pronouns, titles and  
19 names as identified by the person.

## 20 SUMMARY

21 The bill provides to a person residing in a correctional or detention facility the right to  
22 have that person's consistently held gender identity respected and acknowledged and to  
23 have staff and representatives of the correctional or detention facility use the pronouns,  
24 titles and names identified by the person.