

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 405 - L.D. 560

An Act To Amend the Safe Haven Laws

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

Sec. 1. 17-A MRSA §553, sub-§3, ¶B, as enacted by PL 2001, c. 543, §1, is amended to read:

B. The child was delivered by the person charged under this section to a safe haven baby box as defined in Title 22, section 4018, subsection 1, paragraph A-1 or to an individual the person reasonably believed to be:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider as defined in Title 22, section 4018; or
- (4) A hospital staff member at a hospital; or
- (5) A firefighter at a fire department facility.

Sec. 2. 22 MRSA §4018, sub-§1, ¶A-1 is enacted to read:

A-1. "Safe haven baby box" means a device or container to safely accept delivery of a child less than 31 days of age that is:

- (1) Voluntarily installed by a medical services provider, law enforcement agency or fire department;
- (2) Physically located inside a hospital, law enforcement facility or fire department facility that is staffed 24 hours a day by a medical services provider;
- (3) Located in an area that is conspicuous and visible to the employees of the hospital, law enforcement agency or fire department; and
- (4) In compliance with requirements adopted by rule by the department, including, but not limited to, a requirement that the device or container be equipped with an alarm that notifies the hospital, law enforcement agency or fire department where the device or container is located and a public safety answering point as defined in Title 25, section 2921, subsection 7 when a child is placed in the device or container.

Sec. 3. 22 MRSA §4018, sub-§1, ¶B, as enacted by PL 2001, c. 543, §2, is amended to read:

B. "Safe haven provider" means:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider; or
- (4) A hospital staff member at a hospital;
- (5) A firefighter; or
- (6) A person staffing a facility with a safe haven baby box.

Sec. 4. 22 MRSA §4018, sub-§6 is enacted to read:

6. Rules. The department shall adopt rules to ensure the safe design, installation and use of each safe haven baby box before it may be put into service by a hospital, law enforcement agency or fire department. Rules adopted under this subsection are routine technical rules for the purposes of Title 5, chapter 375, subchapter 2-A.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
State-funded Foster Care/Adoption Assistance 0139**

Initiative: Provides one-time funding to contract for technical support developing rules to implement the program.

GENERAL FUND	2021-22	2022-23
All Other	\$14,174	\$0
GENERAL FUND TOTAL	<u>\$14,174</u>	<u>\$0</u>