

STATE OF MAINE

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

—
H.P. 47 - L.D. 81

**An Act To Ensure the Safety of Children Experiencing Homelessness by
Extending Shelter Placement Periods and Amending Licensing Requirements
for Emergency Shelters**

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

Sec. 1. 22 MRSA §8101, sub-§2, as amended by PL 2013, c. 179, §7, is further amended to read:

2. Emergency children's shelter. "Emergency children's shelter" means a facility that operates to receive children 24 hours a day and that limits placement to ~~30~~ 90 consecutive days or less. For purposes of this section, the definition of "children" includes a person under 21 years of age. "Emergency children's shelter" does not mean a family foster home or specialized children's home. If emergency shelter is a service provided by a children's residential care facility, the service is restricted to a designated physical area of the facility.

Sec. 2. 22 MRSA §8101, sub-§4-A, as amended by PL 2013, c. 179, §7, is further amended to read:

4-A. Shelter for homeless children. "Shelter for homeless children" means a facility designed to provide for the overnight lodging and supervision of children 10 years of age or older for no more than ~~30~~ 90 consecutive overnights. For purposes of this section, the definition of "children" includes a person under 21 years of age.

Sec. 3. Rules for licensing of emergency shelters for children. The Department of Health and Human Services shall amend its rule Chapter 9: Rules for the Licensing of Emergency Shelters for Children to make it consistent with the notification requirements for facilities licensed under rule Chapter 8: Rules for the Licensure of Shelters for Homeless Children and specifically to allow the admission of a child into care for up to 3 hours without first notifying the child's guardian. The department shall amend its rule Chapter 9: Rules for the Licensing of Emergency Shelters for Children to require a facility to allow the admission of a child into care for up to 48 hours without the permission of the child's guardian. Rules adopted in accordance with this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.