



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 560

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H.P. 405

House of Representatives, February 24, 2021

### An Act To Amend the Safe Haven Laws

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Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT  
Clerk

Presented by Representative COREY of Windham.  
Cosponsored by Senator ROSEN of Hancock and  
Representatives: ARATA of New Gloucester, COSTAIN of Plymouth, KINNEY of Knox,  
MADIGAN of Waterville, WHITE of Waterville, Senator: DIAMOND of Cumberland.

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

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

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

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

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

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

- 15 (1) Voluntarily installed by a medical services provider, law enforcement agency  
16 or fire department;  
17 (2) Physically located inside a hospital, law enforcement facility or fire department  
18 facility that is staffed 24 hours a day by a medical services provider; and  
19 (3) Located in an area that is conspicuous and visible to the employees of the  
20 hospital, law enforcement agency or fire department.

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

23 B. "Safe haven provider" means:

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

30 **SUMMARY**

31 This bill amends the safe haven laws regarding abandoned children by including a safe  
32 haven baby box to the list of safe havens that a person may deliver a newborn child to under  
33 the Child and Family Services and Child Protection Act and to serve as an affirmative  
34 defense to the criminal offense of abandonment of a child. A safe haven baby box is a  
35 device or container that can safely accept delivery of a newborn child that is located in a  
36 hospital, law enforcement facility or fire department facility that is staffed 24 hours a day  
37 by a medical services provider.