

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

- (5) Evidence of employment in a social service delivery field;
- (6) Payment of the application and license fee; and
- (7) Demonstration to the satisfaction of the board adherence to the ethics of the social worker profession.

See title page for effective date.

CHAPTER 543

S.P. 539 - L.D. 1670

An Act Regarding Child Abandonment

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

Sec. 1. 17-A MRSA §553, sub-§3 is enacted to read:

3. It is an affirmative defense to a prosecution under this section that, at the time the offense occurred:

- A. The child was less than 31 days of age; and
- B. The child was delivered by the person charged under this section 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.

Sec. 2. 22 MRSA §4018 is enacted to read:

§4018. Abandoned child; safe haven provider

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Medical services provider" means an individual certified, registered or licensed in the healing arts, including, but not limited to, a physician, nurse, podiatrist, optometrist, chiropractor, physical therapist, dentist, psychologist, physician's assistant or emergency medical services person.
- 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.

2. Request for information. A person who voluntarily delivers a child less than 31 days of age to a safe haven provider and who does not express an intent to return for the child may be requested to provide information helpful to the welfare of the child. The person who accepts a child under this section may not detain the person delivering the child to obtain information.

3. Action by safe haven provider; guidelines. A safe haven provider who accepts a child under this section shall promptly notify the department of the delivery of the child, transfer the child to the department at the earliest opportunity and provide to the department all information provided by the person delivering the child to the safe haven provider. The department shall establish guidelines to assist safe haven providers concerning procedures when a child is delivered to a safe haven provider under this section.

4. Confidentiality. All personally identifiable information provided by the person delivering the child to a safe haven provider is confidential and may not be disclosed by the safe haven provider to anyone except to the extent necessary to provide temporary custody of the child until the child is transferred to the department and except as otherwise provided by court order. All health care or other information obtained by a safe haven provider in providing temporary custody of the child may also be provided to the department upon request.

5. Liability. A person or entity who accepts a child under this section or provides temporary custody of a child accepted under this section is not subject to civil, criminal or administrative liability for accepting the child or providing temporary custody of the child in the good faith belief that the action is required or authorized by this section. This subsection does not affect liability for personal injury or wrongful death, including, but not limited to, injury resulting from medical malpractice.

See title page for effective date.

CHAPTER 544

H.P. 1173 - L.D. 1573

An Act to Enact the Uniform Principal and Income Act of 1997