

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 37

S.P. 21

In Senate, January 9, 2001

**An Act to Amend the Law Governing the Child Care Advisory Council
and to Gather Data on Child Care Services in the State.**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.
Cosponsored by Representatives: MENDROS of Lewiston, MURPHY of Berwick.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the 119th Legislature passed legislation pertaining
to the laws governing child care; and

8 **Whereas,** due to the new legislation, there will be more work
for the Child Care Advisory Council to do; and

10
12 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

16
18 **Be it enacted by the People of the State of Maine as follows:**

20 **Sec. 1. 22 MRSA §3739, sub-§2,** as corrected by RR 1995, c. 2,
§42, is amended to read:

22 **2. Membership.** The council has a minimum of 25 members,
appointed as follows:

24 A. One employee of the Bureau of Family Independence who is
26 responsible for child care services, appointed by the
commissioner;

28 B. Two employees of the Department of Human Services who
30 are responsible for child care services, appointed by the
commissioner;

32 C. One employee of the Department of Mental Health, Mental
34 Retardation and Substance Abuse Services, Bureau of Children
with Special Needs, appointed by the Commissioner of Mental
36 Health, Mental Retardation and Substance Abuse Services;

38 D. One employee of the Department of Education, appointed
by the Commissioner of Education;

40 E. One employee who coordinates the state Head Start
42 program, appointed by the commissioner;

44 F. The State Fire Marshal or the State Fire Marshal's
designee;

46 G. One employee of the Office of Substance Abuse, appointed
48 by the Director of the Office of Substance Abuse;

- 2 H. One employee of the Department of Economic and Community
Development, appointed by the Commissioner of Economic and
Community Development;
- 4
- 6 I. One member of the Senate, appointed by the President of
the Senate;
- 8
- 10 J. Two members of the House of Representatives, at least
one of whom must be from the minority party, appointed by
the Speaker of the House of Representatives;
- 12
- 14 K. One parent or other consumer who receives a child care
subsidy at the time of that parent's or consumer's
appointment, appointed by the Governor;
- 16
- 18 L. One parent or other consumer of child care services who
does not receive a child care subsidy, appointed by the
Governor;
- 20
- 22 M. One business representative nominated by the Maine
Chamber of Commerce and Industry, appointed by the
Governor;
- 24
- 26 N. One center-based care representative nominated by the
Maine Child Care Directors' Association, appointed by the
Governor;
- 28
- 30 O. One Head Start provider nominated by the Maine Head
Start Directors' Association, appointed by the Governor;
- 32
- 34 P. One family day-care provider nominated by the Maine
Family Day Care Association, appointed by the Governor;
- 36
- 38 Q. One person representing Native Americans, appointed by
the Governor;
- 40
- 42 R. One child care provider who does not receive public
funds, appointed by the Governor;
- 44
- 46 S. One person associated with a local preschool handicapped
project coordination site, appointed by the Governor;
- 48
- T. One person nominated by the Coalition for Maine's
Children, appointed by the Governor;
- U. One person nominated by the Maine Association of Child
Care Resource and Referral Agencies, appointed by the
Governor;

2 V. One representative of women nominated by the Maine
Women's Lobby, appointed by the Governor; and

4 W. One provider of child care for school-age children,
6 appointed by the Governor.

8 Senators and members of the House of Representatives serve for
the duration of the legislative terms that they are serving when
appointed. Members from state departments serve at the pleasure
10 of their appointing authorities. All other members serve 3-year
terms and may continue to serve beyond their terms until their
12 successors are appointed ~~but may not be appointed to subsequent~~
~~consecutive terms~~. If a vacancy occurs before a term has
14 expired, the vacancy must be filled for the remainder of the
unexpired term by the authority who made the original
16 appointment. If a member is absent for 2 consecutive meetings
and has not been excused by the chair from either meeting, the
18 council may remove the member by majority vote. If a nominating
organization does not submit nominations within a reasonable
20 period of time, the appointing authority may fill that
organization's seat with a member of the public at large.

22 **Sec. 2. Appropriation.** The following funds are appropriated
24 from the General Fund to carry out the purposes of this Act.

26 2001-02

28 **DEPARTMENT OF HUMAN SERVICES**

30 **Office of Child Care and Head Start**

32 All Other \$50,000

34 Provides funds to the Department of Human
Services, Office of Child Care and Head
36 Start for a one-time competitive grant to a
private entity to gather data on child care
38 services in the State, including market rate
data information; wage range information and
40 how wages affect provider relocation out of
the State; the number of employees that are
42 center-based; the number of child care
providers that are sole proprietorships, the
44 current number of available child care
slots; the necessary next steps to
46 coordinate information systems; the ability
of facilities to meet building and fire
48 codes; the development of a methodology for
a child care facilities survey; and the

2 identification of areas where data is not
currently being collected.

4 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

6

8

SUMMARY

10 This bill amends the law governing the Child Care Advisory
Council by changing the number of members on the council and by
12 removing the language that prohibits subsequent consecutive terms
for members. The bill also appropriates funds to the Department
14 of Human Services, Office of Child Care and Head Start for a
one-time competitive grant to a private entity to gather data on
16 child care services in the State.