

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

Regular Session of the 128th Legislature to establish universal family care taxes to fully fund the Universal Family Care Program.

LD 1661

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

**RESOLVE 48
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-675

This resolve provides for legislative review of portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Committee Amendment "A" (H-675)

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, only if the rule is modified to:

1. Clarify that parents are allowed to visit and observe at the child care site at any time the provider is open rather than specifying documentation of the policy for parental visitation at the child care site;
2. Clarify that provider-child ratios are based on ages and not on developmental stages;
3. Clarify that a single provider may care for eight children aged two to five years and two children over five years old;
4. Change the age of the children of the licensee being included in provider-child ratios from under the age of three to under the age of four;
5. Change the requirement that climbing equipment must be six feet from hard surfaces to requiring that it be located at a sufficient distance to prevent injury;
6. Clarify that the 36-inch-high threshold for requiring energy-absorbing materials refers to the height of the climbable or standing surface and remove the requirement that the rubber tiles and mats used beneath the equipment must be approved by the American Society for Testing and Materials;
7. Remove the requirement that the depth of energy-absorbing materials around climbers and slides be six inches or greater and instead require a sufficient amount of material to prevent injury, and clarify that the equipment includes swings in addition to climbers and slides;
8. Remove requirements that energy-absorbing materials around playground equipment extend at least six feet in all directions and instead require the materials to extend beyond the equipment in all directions to prevent injury in the event of a fall; and
9. Clarify that a person assigned by a provider to drive children enrolled in care must complete training for transportation of children every two years to match the training requirements in other sections of the rule.

Enacted Law Summary

Joint Standing Committee on Health and Human Services

Resolve 2017, chapter 48 authorizes the Department of Health and Human Services to finally adopt portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, as long as the rule is modified to:

1. Clarify that parents are allowed to visit and observe at the child care site at any time the provider is open rather than specifying documentation of the policy for parental visitation at the child care site;
2. Clarify that provider-child ratios are based on ages and not on developmental stages;
3. Clarify that a single provider may care for eight children aged two to five years and two children over five years old;
4. Change the age of the children of the licensee being included in provider-child ratios from under the age of three to under the age of four;
5. Change the requirement that climbing equipment must be six feet from hard surfaces to requiring that it be located at a sufficient distance to prevent injury;
6. Clarify that the 36-inch-high threshold for requiring energy-absorbing materials refers to the height of the climbable or standing surface and remove the requirement that the rubber tiles and mats used beneath the equipment must be approved by the American Society for Testing and Materials;
7. Remove the requirement that the depth of energy-absorbing materials around climbers and slides be six inches or greater and instead require a sufficient amount of material to prevent injury, and clarify that the equipment includes swings in addition to climbers and slides;
8. Remove requirements that energy-absorbing materials around playground equipment extend at least six feet in all directions and instead require the materials to extend beyond the equipment in all directions to prevent injury in the event of a fall; and
9. Clarify that a person assigned by a provider to drive children enrolled in care must complete training for transportation of children every two years to match the training requirements in other sections of the rule.

Resolve 2017, chapter 48 was finally passed as an emergency measure effective April 15, 2018.

LD 1664 Resolve, Regarding Legislative Review of Portions of Chapters 126 and 261: Immunization Requirements for School Children, Joint Major Substantive Rules of the Department of Education and the Department of Health and Human Services

**RESOLVE 32
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP
OTP-AM

This resolve provides for legislative review of portions of Chapters 126 and 261: Immunization Requirements for School Children, joint major substantive rules of the Department of Education and the Department of Health and Human Services.

Committee Amendment "A" (H-588)

This amendment is the minority report of the committee. It amends the resolve to not authorize portions of Chapters