

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1247

S. P. 432

In Senate, March 10, 1971

Referred to Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Bernard of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Establishing a Comprehensive Child Care Program of Maine.

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

Sec. 1. R. S., T. 22, c. 1052, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 1052, to read as follows:

CHAPTER 1052

CHILD CARE PROGRAMS

§ 3711. Statement of findings and purposes

The Maine Legislature finds that comprehensive child care programs are essential to the achievement of the full potential of Maine's children. These programs make it possible for the parents of such children to undertake or continue full or part-time employment, training or education. There is a need to provide an appropriate legislative framework and resources for the consolidation of existing programs and for the future expansion of such programs to all children, with continued priority to children of low-income families. It is crucial to the meaningful development of such programs that decisions as to their nature and funding be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development and with appropriate assistance from state and federal agencies.

It is the purpose of this chapter to provide the framework for the meaningful and coordinated evolution of child care programs in the State at the community and regional level so as to make available eventually to each family in the State a full range of child care services.

§ 3712. Direction to establish the program

The Commissioner of Health and Welfare is directed and authorized to establish comprehensive child care programs through the support of activities in accordance with this chapter.

§ 3713. Child Care Council

The commissioner shall establish a comprehensive State Child Care Council within the Department of Health and Welfare.

The key requirement for the membership of the state council is that it be broadly representative of educational, welfare, health, manpower training and other state agencies interested in child care development in the State, as well as other individuals and public and private organizations interested in child care development. As in the case of the Regional Community Child Care Council, not less than $\frac{1}{3}$ of the members of the State Child Care Council must consist of parents of children in child care programs under this chapter chosen by democratic selection procedures, with the initial designation made on the basis of these children enrolled in Project Headstart programs or other federal or state funded child care programs. The chairman of the council shall be elected by the members of the council. Length of terms and the number of members on the council shall be established by the commissioner. No individual may serve more than 3 consecutive years on the council.

The council shall meet as necessary to carry out its responsibilities, but in no instance will it meet less than 6 times annually.

§ 3714. Responsibilities of the state council

The principal responsibilities of the state council shall include: the preparation and submission of a state child care plan; the review of applications for designation of regional community child care councils; and the review of regional and community child care plans. Upon such reviews, the State Child Care Council is authorized to recommend to the commissioner any proposed changes deemed to be in the interest of maintaining the quality of programs and an equitable distribution of programs within the State, insuring cooperation and coordination, and encouraging the maximum utilization of available services within the State.

In order to carry out these responsibilities, the council will appoint its own necessary staff under this chapter after consultation with the commissioner.

§ 3715. State child care plans

The state council will develop a comprehensive child care plan which shall include: identifying child care goals, needs and priorities within the State; providing technical assistance through state agencies and other organizations to assist in the establishment of regional community child care councils; plan and develop effective coordination between child care programs within the State; and assist in the acquisition or improvement of facilities for child care programs; assist in developing programs providing for training of personnel working in child care programs within the State; assessing the effect of research on child care programs; assessing the effect of state and local licensing

codes on programs; encouraging, assisting and developing experimental, developmental, demonstration and pilot projects; making recommendations to the commissioner and to regional community child care councils and other agencies with respect to programs under this chapter; identifying potential federal, state and local resources.

§ 3716. Application for designation of regional and community child care councils

The commissioner, in consultation with the State Child Care Council, is authorized to designate regional and community child care councils to be responsible for the planning, coordination and development of child care programs in each area of the State which the State Child Care Council determines to be a suitable area for the conduct of such programs. These areas should conform where feasible to regional areas adhered to or defined by various state agencies as workable planning areas.

An application for designation as a regional and community child care council may be submitted on behalf of such council by any public agency, including departmental regional offices, or non-profit organization or combination of such agencies or organizations within the area. Priority shall be given to 4-C, community coordinated child care, organizations where already established.

Such an application shall include provisions which:

1. Agency. Provide for the establishment, except where a recognized community coordinated child care, 4-C, organization is in operation, which will serve as that area's community child care council, of a community child care council, which may be an existing agency or one newly created, to be responsible for the planning, coordination and development of child care development programs for an area and which is broadly representative of the community. Applications must indicate that membership on the council will have broad representation similar to the state council, but not less than $\frac{1}{3}$ of the membership of the council shall consist of parents of children enrolled in child care programs, which parents shall be chosen by democratic selection procedures established by the state council except that for the purpose of the initial designation, parents shall be of children representative of those previously enrolled in Project Headstart programs or other child care programs funded by public acts. The chairman shall be elected by the members of the regional and community child care council in accordance with procedures established by the state council.

2. Area. Describe the geographical area to be served by the council.

3. Capabilities. Evidence capability for effective planning, coordination, and development by the community child care council of child care programs in the area to be served.

4. Funds. Demonstrate capability to be responsible for disbursing funds and effecting coordination between programs in accordance with the regional and community child care plan submitted by the council.

5. Coordination. Demonstrate clearly a plan for coordinating activities with the research, evaluation and planning and mobilization units of the regional health and welfare district offices.

In the case of 2 or more applications, if there is no 4-C group, from a single geographical area, the commissioner, with the advice of the State Child Care Council, shall determine the one which will most effectively carry out the purposes of this chapter.

The application must be developed in accordance with certain procedures, with an opportunity for comment, review and recommendations accorded to the State Child Care Council, or commissioner if the state council has not been established, before being designated a regional and community child care council by the commissioner.

§ 3717. Responsibilities of regional and community child care council

A regional and community child care council shall be responsible for:

1. Needs. Identifying and establishing regional and community child care needs, goals and priorities;
2. Programs. The planning, coordination and development of publicly funded child care programs in the area served;
3. Requirements. The submission to the State Child Care Council of a community child care plan meeting the requirements of this chapter for such programs;
4. Hearing. Providing for a hearing before the regional and community council for every local project applicant to the making of any final recommendation concerning any one applicant on and for filing with the State Child Care Council a report, in such form and containing such information as the state council may prescribe, at the request of any applicant who is dissatisfied with any such final determination;
5. Assistance. Providing technical assistance to individuals, agencies and organizations interested in the establishment, conduct and evaluation of child care programs in the area served;
6. Funds. Recommending to the State Child Care Council disbursement of public funds to project applicants.
7. Obstacles. Working for the elimination or modification of existing institutional and legal obstacles to the establishment and development of child care programs; and working for and towards establishing necessary institutional and legal reforms, laws and developments necessary to establishing the purposes of this chapter.

§ 3718. Authorization.

A regional and community child care council shall be authorized to:

1. Personnel. Obtain the services of such full-time professional, technical and clerical personnel as may be required in the performance of its duties, and to contract or otherwise arrange for such assistance and services, in-

cluding planning, technical assistance and evaluation services, as may be necessary;

2. Consultation. Consult with the departments, agencies and authorities of the Federal Government and with the State Child Care Council and state and local public agencies, professionals and other sources of technical information and assistance relevant to its functions as it deems advisable and practicable; and

3. Utilization. Utilize the services, personnel, facilities and information including statistical information, of federal departments and agencies and private research agencies with the consent of such agency or council with or without reimbursement therefor.

§ 3719. Regional and community child care plans

Certain requirements for regional and community child care plans and projects submitted to and by the councils must be met. Each plan must include a description of the purposes for which financial assistance will be used; programs to ensure assistance on an equitable basis for children of migrants and other low-income families; formal arrangements for the integration of programs of the Federal Department of Health and Welfare, such as child development activities under the Family Assistance Act; arrangements for program coordination between approved project applicants; arrangements for linkage between preschool and public school programs; arrangements for the integration of programs conducted under the auspices or with the support of business, proprietary, industry, labor, employee and labor management organizations; arrangements for the continued participation of parents of children utilizing child care services in the decision making and policies determined by individual projects.

No plan may be approved by the commissioner unless the State Child Care Council, or if the council is not fully in operation, then the commissioner has had an opportunity to submit comments and recommendations to the regional and community child care council and to the commissioner.

Other general provisions established by the state council and the commissioner shall govern the procedures regarding approval and disapproval of plans.

§ 3720. Project applications to the regional and community child care councils

Any public or private agency or organization, including community action agencies, single-purpose Head Start agencies, community corporations, parent cooperatives and public and private educational agencies and institutions shall be eligible to apply to the regional community child care council for financial assistance to be provided pursuant to a regional and community child care plan.

The regional and community child care councils shall plan, coordinate and develop a broad range of services and activities for which present and future public funds for child care and development programs may be made available and for which applications may be made available, including planning, de-

veloping, establishing, maintaining and operating child care programs; the design, acquisition, construction, alteration, renovation or remodeling of facilities for such programs including but not limited to the purchase or rental or improvement of land through the provision of loans, loan guarantees, occupancy guarantees, interest subsidies and cash grants; the development and conduct of a wide range of training programs for persons working in the program; programs to teach the fundamentals of child care to parents and other members of the family as well as to youth and parents; the establishment of child care information centers in the community; the provisions of necessary diagnostic and assessment services as well as remedial programs to deal with medical, dental, psychological, educational and other children's needs; transportation arrangements or expenses where necessary to make it possible for children of low-income families to participate in programs; monitoring and evaluation activities and other such activities as the commissioner, in consultation with the state council, deems appropriate. The commissioner, in consultation with the state council, is directed to promulgate regulations to ensure that full and impartial consideration is given to all project applicants.

§ 3721. Special conditions

No funding is to be provided under this chapter unless the commissioner determines that the community and state councils incorporate in their planning and program development that children participating in the program will receive such educational, food, nutritional, health and related services as are necessary to provide each child with the opportunity to reach his full potential; to the fullest extent possible programs shall be subject to the direction of a governing board of parents and that provision has been made for extensive parental participation; priority has been given to the provision of services to children of low-income families from birth to the age of 5; programs will be conducted with linkage between the home and the environment in which conducted; in the case of programs carried out by a local educational agency, children will not be denied the benefits because of their attendance in private preschool programs; programs will provide for the participation of families who are not low-income families; families will be charged fees in accordance with their ability to pay, pursuant to criteria described by the commissioner, in consultation with the state council, except that no charge for services provided under a program assisted under this Title shall be made as to any child whose family's income is below the poverty level. Projects funded under this chapter shall meet program, construction and staff training requirements as established by local, state and federal standards where appropriate.

Sec. 2. Appropriation. There is appropriated to the Department of Health and Welfare from the General Fund the sum of \$45,000 for the fiscal year ending June 30, 1972 and \$50,000 for the fiscal year ending June 30, 1973, to carry out the purposes of this Act.

FISCAL NOTE

These funds will be used as seed money for matching federal funds under the provision of Title IV-A of the Social Security Act. This would provide

approximately \$180,000 for the fiscal year 1972 and approximately \$200,000 for the fiscal year 1973.

Breakdown of Federal Funds	1971-72	1972-73
1. State Child Care Council		
Personal Services (2 planner/organizers, one secretary, fringe benefits, travel, etc.)	\$ 31,700	\$ 33,900
Capital Expenditures (desks, office supplies, typewriters, etc)	2,500	2,000
All Other (postage, telephone, printing, publications, etc.)	2,800	3,900
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	\$ 37,000	\$ 39,800
2. Regional Community Child Care Councils		
Personal Services (6 planner/organizers, 6 secretaries, fringe benefits, travel, etc.)	\$124,000	\$133,200
Capital Expenditures (desks, supplies, typewriters, etc.)	12,600	12,800
All Other (postage, telephone, printing, publications, etc.)	7,100	14,800
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	\$144,000	\$160,800
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Total (1) and (2)	\$181,000	\$200,600

STATEMENT OF FACT

The intent of this Act is to provide, under the auspices of the Department of Health and Welfare:

1. One broad authority under which all types of child development and day care programs can be funded, planned and coordinated.
2. A state and local regional planning mechanism involving consumers of services, which provides authorization and a framework to plan, coordinate and develop child care services.
3. A means for developing a broad range of comprehensive child care services for Maine children and their families including programs meeting children's needs for intellectual, emotional, educational, social and physical development.
4. For working parents a high quality of services established for the care of their children while employed, training for employment or seeking employment.