

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE
FIRST SPECIAL SESSION

(Filing No. H-1056)

COMMITTEE AMENDMENT "A" to H.P. 1965, L.D. 2154, Bill,
"AN ACT to Repeal Certain Statutory Provisions for the Licensing
of Boarding Homes and Day Care Facilities."

Amend said Bill by striking out the title and inserting in
place thereof the following: 'AN ACT to Require Nursery Schools
to Meet Minimum Fire Safety and Health Standards.'

Further amend said Bill by striking out everything after
the enacting clause and inserting in place thereof the following:

'Sec. 1. 22 MRSA §3797, as last amended by P.L. 1975, c.304,
§§1 and 2, is repealed.

Sec. 2. 22 MRSA c.1675 is enacted to read:

CHAPTER 1675

NURSERY SCHOOLS

§8401. Definitions

1. Children. As used in this chapter, the word "children"
shall mean persons 7 years of age and under who are not re-
lated by blood or marriage to or who have not been legally
adopted by the licensee or administrator of the nursery school
which the children attend.

2. Nursery school. As used in this chapter, the term "nursery school" shall mean a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for 3 or more children, provided that:

- A. No session conducted for the children is longer than 3 1/2 hours in length;
- B. No more than 2 sessions are conducted per day;
- C. Each child in attendance at the nursery school attends only one session per day; and
- D. No hot meal is served to the children.

k. This term does not include any facility operated as a day care center, a summer camp established solely for recreational and educational purposes or a public or private school in the nature of a kindergarten approved by the Commissioner of Educational and Cultural Services, in accordance with Title 20, section 911.

§8402. Licensure

1. License required. No person, firm, corporation or association shall operate a nursery school without having, subject only to meeting the requirements specified in subsection 3, ~~←~~ → a written license therefor from the Department of Human Services.

2. Term of license. The term of any license issued under this chapter shall be one year.

3. Requirements. In order to receive a license from the department a nursery school shall meet the following requirements:

A. Each licensee, administrator or other staff member of the nursery school, who provides care for the children, shall be declared, annually, by a licensed physician to be free from communicable disease.

B. Drinking water which is taken from sources other than a public water system shall pass a test for bacteria, nitrates and nitrites every year and shall pass a partial chemical test every 4 years.

C. The nursery school shall carry minimum liability insurance of \$100,000 per person and \$300,000 per occurrence.

D. During any nursery school session there shall be at least one adult present for every 10 children. When only one adult is present, another responsible adult shall be on call and available in case of any emergency.

E. The nursery school shall meet, annually, the fire safety requirements specified in section 8403, subsection 2.

4. License issued promptly. The department shall issue with reasonable promptness a license to each nursery school from which the department has received and verified documentation indicating that the nursery school has met the requirements included in subsection 3.

5. Fee. The department shall charge an annual fee of \$10 for licenses for nursery schools. The department shall use all fees to pay the costs of the fire safety inspections.

6. Relationship to licensing of day care facilities. No facility licensed as a nursery school shall be required to be licensed as a day care facility; but any facility licensed as a nursery school may also be licensed as a day care facility, if the nursery school complies with the law and rules applicable to day care facilities.

§8403. Fire Safety

1. Inspection required. No license shall be issued by the department for a nursery school until the department has received from the State Fire Marshal a written statement signed by one of the officials designated in Title 25, sections 2360, 2391 or 2392 to make fire safety inspections.

2. Requirements. This written statement, which shall be furnished, annually, by the State Fire Marshal to the department, shall indicate that the nursery school has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association as adopted by the State Fire Marshal, which are specified in:

- A. The family day care homes section, if the nursery school has at least 3 but no more than 6 children per session; or
- B. The group day care homes section, if the nursery school has at least 7 but no more than 20 children per session; or

C. The child day care centers section, if the nursery school has more than 20 children per session.

3. Fees. The department shall establish and pay reasonable fees to the State Fire Marshal or municipal official for each such inspection.

§8404. Existing nursery schools

Notwithstanding any other provision in this chapter, any nursery school which was in operation prior to the effective date of this Act and which is not able to comply with all of the requirements specified in section 8402, subsection 3, shall be allowed to continue in operation, out of compliance with the applicable law, until July 1, 1977.

Statement of Fact

The purpose of this amendment is to require minimum fire safety and health standards in Maine's nursery schools. To accomplish this, section 8402 of the amendment provides that nursery schools shall:

1. Have staff who are free from communicable disease;
2. Have water which is safe to drink;
3. Carry minimum liability insurance;
4. Maintain an adult to child ration of 1 to 10 and when only one adult is present, shall have a (second) responsible adult on call and available in case of emergency; and

5. Meet certain minimum requirements of the Life Safety Code of the National Fire Protection Association.

Each year the Department of Human Services shall issue a license to any nursery school which meets the preceding requirements. The Department is directed to charge a licensing fee of \$10, which shall be used to pay for fire safety inspections.

Existing nursery schools will have until July 1, 1977, to meet the requirements specified in this amendment.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.

3/23/76

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