

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-272)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 796, L.D. 950, Bill,
"AN ACT to Remove Private Babysitting Arrangements from the
Jurisdiction of the Department of Human Services."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

Sec. 1. 22 MRSA §7702, as enacted by PL 1975, c. 719,
§6, is amended to read:

§7702. Violation; penalty

Whoever violates any provision of this subtitle shall
be punished by a fine of not more than \$500 or by imprisonment
for not more than 11 months, or by both, except that anyone
violating section 8305 shall be punished only by a fine of
not more than \$500.

Sec. 2. 22 MRSA §8301, 2nd ¶, as enacted by PL 1975,
c. 719, §6, is amended to read:

The term does not include any facility operated as a
nursery school, home day care for which the person or
combination of persons does not receive any federal or
state funds, a summer camp established solely for recreational
and educational purposes, or a formal public or private school
in the nature of a kindergarten or elementary or secondary
school approved by the Commissioner of Educational and
Cultural Services in accordance with Title 20, section 911.

Sec. 3. 22 MRSA §8305 is enacted to read:

§8305. Home day care

1. Registration. Persons providing home day care for

3 to 12 unrelated children under the age of 16 on a regular basis shall be required to register with the Department of Human Services. The department shall issue a certificate of registration to the home day care provider upon receipt of evidence from the registrant that:

A. The home day care provider has had a standard skin test for tuberculosis within the prior 3 months and that the test is negative or, if the test is positive, a standard full-size chest x ray taken within 90 days is negative for active tuberculosis.

No home day care provider may be compelled to undergo a test for tuberculosis who states in writing that it is contrary to his religious teachings and practice.

B. The water used for drinking and cooking:

(1) Comes from an approved municipal source or water district;

(2) Has been tested on an annual basis for bacteriological agents, nitrates and nitrites and every 3 years for chemical and mineral contamination by the Division of Health Engineering or a laboratory approved by the department; or

(3) Is bottled;

C. The home has been inspected annually by the State Fire Marshal or one of the officials designated under Title 25, section 2360, 2391 or 2392 for compliance

National Fire Protection Association with fire and safety provisions of the Life Safety Code of 1976, Sections 9-5.4 and 9-5.5.

/ If the provider makes a change in the heating system,

including installation of a wood or coal stove, or makes major structural alterations to the home, there shall be another fire inspection;

D. If the provider is caring for 6 or more preschool children, there will be an additional provider present whenever the children are on the premises. The additional provider must be at least 14 years of age and have had a tuberculosis test, as provided in paragraph A; and

E. The provider or other resident of the home has never been convicted of child abuse.

Along with the proofs of compliance, the provider shall submit a registration fee of \$20 every 2 years.

2. Complaints. The department shall have the authority to investigate complaints against any provider of home day care and shall have the right of entry at any reasonable time, with the permission of the owner or person in charge, or with a search warrant from the District Court authorizing entry, for the purposes of the investigation.

3. Suspension or revocation of registration. A certificate of registration issued under this chapter may be suspended or revoked for violation of applicable law or for committing or permitting conduct or practices detrimental to the welfare of the children receiving home day care. When the department believes that a certificate should be suspended or revoked, it shall file a complaint with the Administrative Court as provided in the Maine Administrative Procedure Act, Title 5, section 10051.'

Statement of Fact

This amendment retains the language of the original bill and in addition adds certain requirements for those providing home day care for 3 to 12 unrelated children under 16.

Providers must register with the Department of Human Services and show proof that they have been tested for tuberculosis, that the home has met basic fire safety requirements, that the water is approved, that the provider or other residents of the home have not been convicted of child abuse and that if 6 or more preschool children are being cared for, there will be an additional provider over the age of 14. A registration fee of \$20 every 2 years is required.

The Department of Human Services has the authority to investigate complaints and to suspend or revoke certificates of registration, subject to the Maine Administrative Procedure Act, Title 5, section 10051.

The amendment also notes that anyone violating Title 22, section 8305, will be subject to a fine and not to a prison sentence.

Reported by Report "A" of the Committee on Health and Institutional Services.
Reproduced and distributed under the direction of the Clerk of the House.

4/29/81

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