

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(New Draft of H.P. 324, L.D. 439)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 1616

H.P. 1120 House of Representatives, May 29, 1985

Reported by the Majority from the Committee on Human Resources and printed under Joint Rule 2. Original bill presented by Representative Manning of Portland. Cosponsored by Representative Carroll of Gray and Senator Bustin of Kennebec.

EDWIN H. PERT, Clerk

Presented by Representative Michaud of Medway.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT Renaming Registered Day Care
Providers as Home Baby-sitting Service
Providers.

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

Sec. 1. 22 MRSA §8305, as amended by PL 1981, c. 470, Pt. B, §9, is repealed and the following enacted in its place:

§8305. Home baby-sitting service

1. Registration. Persons providing home day care for 3 to 12 children under the age of 16 unrelated to the provider on a regular basis shall be required to register with the Department of Human Services as a home baby-sitting service. The department shall issue a certificate of registration to the home baby-sitting service provider, upon receipt of evidence from the registrant that:

1 A. The provider is at least 18 years of age;

2 B. The provider has had a standard skin test for
3 tuberculosis, as approved by the Division of Dis-
4 ease Control, Bureau of Health, and that the test
5 is negative or, if the skin test is positive, an
6 appropriate follow-up test, as approved by the
7 Division of Disease Control, is negative. Subse-
8 quent testing may be required by the Division of
9 Disease Control;

10 No provider may be compelled to undergo a test
11 for tuberculosis who states in writing that it is
12 contrary to his religious teachings and practice;

13 C. The water used for drinking and cooking:

14 (1) Comes from a municipal water supply; or

15 (2) Has been tested on an annual basis and
16 meets the standards established by the Divi-
17 sion of Health Engineering or a laboratory
18 approved by the department;

19 D. The home has been inspected annually by the
20 State Fire Marshal or one of the officials desig-
21 nated under Title 25, section 2360, 2391 or 2392
22 for compliance with fire and safety provisions of
23 the National Fire Protection Association Life
24 Safety Code of 1976, Sections 9-5.4 and 9-5.5. If
25 the provider makes a change in the heating sys-
26 tem, including installation of a wood or coal
27 stove, or makes major structural alterations to
28 the home, there shall be another fire inspection;

29 E. If the provider is caring for 6 or more pre-
30 school children, there will be an additional
31 provider present whenever the children are on the
32 premises. The additional provider must be at
33 least 14 years of age and have had a tuberculosis
34 test, as provided in paragraph A; and

35 F. The provider or other residents of the home
36 has never been convicted of child abuse or ne-
37 glect as defined in section 4002, or had parental
38 rights terminated as provided in chapter 1071,
39 the Child and Family Services and Child Protec-
40 tion Act.

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

3 2. Complaints. The department shall have the
4 authority to investigate complaints against any
5 provider and shall have the right of entry at any
6 reasonable time for the purposes of the investiga-
7 tion.

8 3. Suspension or revocation of registration. A
9 certificate of registration issued under this chapter
10 may be suspended or revoked for violation of applica-
11 ble law or for committing or permitting conduct or
12 practices detrimental to the welfare of the children
13 receiving home baby-sitting services. When the de-
14 partment believes that a certificate should be sus-
15 pended or revoked, it shall file a complaint with the
16 Administrative Court as provided in the Maine Admin-
17 istrative Procedure Act, Title 5, section 10051.

18 4. Compliance inspection. The department may
19 conduct one annual inspection of the provider's fa-
20 ility to ensure compliance with the law.

21 Sec. 2. 22 MRSA §8306 is enacted to read:

22 §8306. Information brochure

23 The department shall distribute a brochure to
24 each home day care provider and home baby-sitting
25 service provider, which clearly outlines the differ-
26 ences between home day care and home baby-sitting
27 services. Each provider shall distribute a copy of
28 this brochure to any applicant for home day care or
29 home baby-sitting services before those services may
30 be provided.

1

STATEMENT OF FACT

2 This new draft establishes separate nomenclature,
3 home baby-sitting services provider, for home day
4 care providers who are registered. It authorizes the
5 department to respond to complaints without a search
6 warrant or without requiring permission of the owner.
7 It also authorizes, but does not require, the depart-
8 ment to make one annual inspection to ensure compli-
9 ance with the law.

10 This new draft also requires each provider of
11 home day care and of home baby-sitting services to
12 give an explanatory brochure to applicants. The De-
13 partment of Human Services is required to prepare the
14 brochures and distribute them to the providers.

15 In addition, this new draft rewrites the language
16 concerning the tuberculosis test and water test to be
17 consistent with the current tests now required for
18 licensed day care providers. The statutory tests and
19 procedures are more restrictive than necessary. This
20 change allows the department to utilize the most ap-
21 propriate testing procedures as advances in medicine
22 and water testing are developed.

23

3423043085