

MAINE STATE LEGISLATURE

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

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No. 1617

H.P. 1121 House of Representatives, May 29, 1985
Reported by the Minority 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 to Rename 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 further amended to read:

§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 ~~day care~~ baby-sitting service provider, upon receipt of evidence from the registrant that:

1 A. The home day care provider is at least 18
2 years of age;

3 B. The home day care provider has had a standard
4 skin test for tuberculosis within the prior 3
5 months, as approved by the Division of Disease
6 Control, Bureau of Health and that the test is
7 negative or, if the skin test is positive, a
8 standard full-size chest x ray taken within 90
9 days is negative for active tuberculosis an ap-
10 propriate follow-up test, as approved by the Di-
11 vision of Disease Control, is negative. Subse-
12 quent testing may be required by the Division of
13 Disease Control.

14 No home day care provider may be compelled to un-
15 dergo a test for tuberculosis who states in writ-
16 ing that it is contrary to his religious
17 teachings and practice;

18 C. The water used for drinking and cooking:

19 (1) Comes from an approved source a municipal
20 water supply; or

21 (2) Has been tested on an annual basis for
22 bacteriological agents, nitrates and
23 nitrites and every 3 years for chemical and
24 mineral contamination and meets the stan-
25 dards established by the Division of Health
26 Engineering or a laboratory approved by the
27 department;

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

38 E. If the provider is caring for 6 or more pre-
39 school children, there will be an additional
40 provider present whenever the children are on the

1 premises. The additional provider must be at
2 least 14 years of age and have had a tuberculosis
3 test, as provided in paragraph A; and

4 F. The provider or other residents of the home
5 has never been convicted of child abuse or ne-
6 glect as defined in section 4002, or had parental
7 rights terminated as provided in chapter 1071,
8 the Child and Family Services and Child Protec-
9 tion Act.

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

12 2. Complaints. The department shall have the au-
13 thority to investigate complaints against any
14 provider of home ~~day care~~ baby-sitting service and
15 shall have the right of entry at any reasonable time,
16 ~~with the permission of the owner or person in charge,~~
17 ~~or with a search warrant from the District Court au-~~
18 ~~thorizing entry,~~ for the purposes of the investiga-
19 tion.

20 3. Suspension or revocation of registration. A
21 certificate of registration issued under this chapter
22 may be suspended or revoked for violation of applica-
23 ble law or for committing or permitting conduct or
24 practices detrimental to the welfare of the children
25 receiving home ~~day care~~ baby-sitting service. When
26 the department believes that a certificate should be
27 suspended or revoked, it shall file a complaint with
28 the Administrative Court as provided in the Maine Ad-
29 ministrative Procedure Act, Title 5, section 10051.

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

31 §8306. Information brochure

32 The department shall distribute to each home day
33 care provider and home baby-sitting service provider
34 a brochure which clearly outlines the differences be-
35 tween home day care and home baby-sitting services.
36 Each provider shall distribute a copy of this bro-
37 chure to any applicant for home day care or home
38 baby-sitting services before those services can be
39 provided.

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STATEMENT OF FACT

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This new draft establishes separate nomenclature, home baby-sitting services provider, for home day care providers who are registered. It also authorizes the department to respond to complaints without a search warrant or without requiring the permission of the owner.

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This new draft also requires each provider of home day care and home baby-sitting service to give an explanatory brochure to applicants. The Department of Human Services is required to prepare the brochures and distribute them to the providers.

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

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