

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 565, L.D. 762, Bill, "An Act to Improve Child Care Services in the State"

Amend the bill by striking out all of sections 1 to 3 and inserting in their place the following:

Sec. 1. 5 MRSA §12004-I, sub-§35-B is enacted to read:

<u>35-B.</u>	<u>Child Care</u>	<u>Not</u>	<u>22 MRSA</u>
<u>Human</u>	<u>Advisory</u>	<u>Authorized</u>	<u>§3739</u>
<u>Services</u>	<u>Council</u>		

Sec. 2. 22 MRSA c. 1052-A is enacted to read:

CHAPTER 1052-A

CHILD CARE SERVICES

§3731. Definitions

As used in this chapter, unless the context otherwise indicates or unless they are inconsistent with federal law, the following terms have the following meanings.

1. Child care. "Child care" means a regular service of care and protection provided for compensation for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children. "Child care" also means administrative functions related to the delivery of child care services, including, but not limited to, contract management, voucher administration, licensing, training, technical assistance and referral.

2 2. Council. "Council" means the Child Care Advisory
3 Council established pursuant to Title 5, section 12004-I,
4 subsection 35-B.

6 3. Office. "Office" means the Office of Child Care
7 Coordination established pursuant to section 3740.

8 4. Region. "Region" means a service delivery region
9 established pursuant to section 6-A.

10 **§3732. Principles of child care system**

12 The department shall allocate resources available under this
13 chapter in a manner that promotes the following principles.

16 1. Family self-sufficiency. A stable source of child care
17 is a critical ingredient to economic self-sufficiency. Child
18 care policies and programs must facilitate a smooth transition
19 into the work force for parents and a rich and stable environment
20 for children.

22 2. Investment in children. Child care is a critical
23 investment that affects a child's readiness to learn.
24 High-quality child care programs recognize and implement good,
25 early childhood practices, as articulated by Head Start, the
26 National Association for the Education of Young Children and
27 other early childhood organizations.

28 3. Consumer orientation and education. Child care policies
29 and programs must be responsive to the changing needs of families
30 and educate families about available options, identifying quality
31 programs and selecting appropriate care.

34 4. Accessibility. High-quality child care must be available
35 to any family seeking care regardless of where the family lives
36 or the special needs of the child. A centralized place in local
37 communities must be available to facilitate parents' access to
38 child care.

40 5. Affordability. High-quality child care must be available
41 on a sliding scale basis, with families contributing based on
42 ability to pay.

44 6. Diversity. It is the goal of the State to strive
45 wherever possible to provide child care in an integrated setting,
46 where children with various needs and of various income levels
47 and cultures are cared for together.

2 7. Efficient, coordinated administration. Child care
3 programs must be coordinated to ensure the most effective use of
4 federal and state funds.

6 8. Support for infrastructure. State child care agencies
7 and policies must support the orderly development of a
8 high-quality child care system.

10 §3733. Designated agency

12 To the extent permitted by federal law, the department shall
13 coordinate and administer all available federal and state child
14 care funds, including, but not limited to, those available under
15 the federal Social Security Act, Title IV, Part A and Title XX;
16 the federal Family Support Act of 1988; the federal Omnibus
17 Budget Reconciliation Act of 1990, Section 5081; and the federal
18 Child Care and Development Block Grant Act of 1990.

20 §3734. Use of federal funds

22 The department shall seek the advice of the council when
23 applying or reapplying for federal funds under this chapter and
24 when submitting state plans, amendments to state plans or waivers
25 for federal approval. Whenever the department makes these
26 submissions to the Federal Government, it shall notify the joint
27 standing committee of the Legislature having jurisdiction over
28 human resource matters and the Executive Director of the
29 Legislative Council.

30 The following additional provisions apply to certain federal
31 child care funds, as indicated.

32 1. Used to supplement state funds. Federal child care
33 funds must be used to supplement and may not replace existing
34 state and local child care funds.

36 2. Block grant funds encumbered. Within 6 months of
37 receiving any payment under the federal Child Care and
38 Development Block Grant Program, the department shall expend or
39 encumber 100% of the payment.

42 §3735. Child care for ASPIRE-JOBS participants

44 The department shall ensure that all persons referred for
45 participation in the State's ASPIRE-JOBS program receive
46 information regarding child care options from caseworkers who are
47 knowledgeable about the range of child care subsidies available
48 in this State and who can explain the relative advantages of each
49 option. This may be done directly by the department or by the
50 department's designee.

2 **§3736. Eligibility**

4 1. Single application form. By October 1, 1993, the
6 department shall develop a universal application for all publicly
8 funded child care programs for applicants who are seeking child
10 care as their primary service. By January 1, 1994, the
12 department shall require all caseworkers and contractors to use
14 the form to determine eligibility for those applicants.
16 Applicants submitting applications to more than one caseworker or
18 contractor may submit photocopies.

14 2. Eligibility decision within 30 days. The department
16 shall determine eligibility for child care programs administered
18 under this chapter within 30 days of receiving an application.
20 If a contractor determines eligibility, the department shall
22 require that the contractor determine eligibility within 30 days
24 of receiving an application.

20 **§3737. Payments to providers**

22 1. No payments to recipients. The department may not make
24 cash payments to recipients for child care services provided
26 under this chapter, except when those payments represent
28 reimbursement for services already provided to the recipient.

28 2. Maintenance of existing options. The department shall
30 ensure that child care funds are distributed through a range of
32 mechanisms, including, but not limited to, vouchers to recipients
34 and contracts to providers.

32 3. Quality differential. To the extent permitted by
34 federal law, the department may pay a differential rate for child
36 care services that meet nationally recognized quality standards,
38 such as those standards required by the Head Start program or
40 required for accreditation by the National Association for the
42 Education of Young Children, and shall do so from the Child Care
44 and Development Block Grant 25% Quality Set-aside funds or by
46 other acceptable federal practices.

40 **§3738. Resource development centers**

42 The department shall fund at least the 10 resource
44 development centers that existed on January 1, 1993 or their
46 successors. Resource development centers are responsible for the
48 local coordination of application gathering and dissemination of
50 information to the public.

This section is repealed on June 30, 1994.

§3739. Child Care Advisory Council

2
4 1. Purpose. The Child Care Advisory Council is
6 established, in accordance with Title 5, section 12004-I,
8 subsection 35-B, to advise the Legislature and the department
10 regarding child care services in the State. The council shall
12 encourage the development of child care policies that are
14 coordinated among state agencies to promote quality, uniformity
16 and efficiency of service.

18 2. Membership. The council has 25 members, appointed as
20 follows:

22 A. One employee of the Bureau of Income Maintenance who is
24 responsible for child care services, appointed by the
26 commissioner;

28 B. Two employees of the Bureau of Child and Family Services
30 who are responsible for child care services, appointed by
32 the commissioner;

34 C. One employee of the Department of Mental Health and
36 Mental Retardation, Bureau of Children with Special Needs,
38 appointed by the Commissioner of Mental Health and Mental
40 Retardation;

42 D. One employee of the Department of Education, appointed
44 by the Commissioner of Education;

46 E. One employee who coordinates the state Head Start
48 program, appointed by the commissioner;

F. The State Fire Marshal or the State Fire Marshal's
designee;

G. One employee of the Office of Substance Abuse, appointed
by the Director of the Office of Substance Abuse;

H. One employee of the Department of Economic and Community
Development, appointed by the Commissioner of Economic and
Community Development;

I. One member of the Senate, appointed by the President of
the Senate;

J. Two members of the House of Representatives, at least
one of whom must be from the minority party, appointed by
the Speaker of the House of Representatives;

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2 K. One parent or other consumer who receives a child care
subsidy at the time of that parent's or consumer's
4 appointment, appointed by the Governor;

6 L. One parent or other consumer of child care services who
does not receive a child care subsidy, appointed by the
8 Governor;

10 M. One business representative nominated by the Maine
Chamber of Commerce and Industry, appointed by the Governor;

12 N. One center-based care representative nominated by the
Maine Child Care Directors' Association, appointed by the
14 Governor;

16 O. One Head Start provider nominated by the Maine Head
Start Directors' Association, appointed by the Governor;
18

20 P. One family day-care provider nominated by the Maine
Family Day Care Association, appointed by the Governor;

22 Q. One person representing Native Americans, appointed by
the Governor;
24

26 R. One child care provider who does not receive public
funds, appointed by the Governor;

28 S. One person associated with a local preschool handicapped
project coordination site, appointed by the Governor;
30

32 T. One person nominated by the Coalition for Maine's
Children, appointed by the Governor;

34 U. One person nominated by the Maine Association of Child
Care Resource and Referral Agencies, appointed by the
36 Governor;

38 V. One representative of women nominated by the Maine
Women's Lobby, appointed by the Governor; and
40

42 W. One provider of child care for school-age children,
appointed by the Governor.

44 Senators and members of the House of Representatives serve for
the duration of the legislative terms that they are serving when
46 appointed. Members from state departments serve at the pleasure
of their appointing authorities. All other members serve 3-year
48 terms and may continue to serve beyond their terms until their
successors are appointed but may not be appointed to subsequent
50 consecutive terms. If a vacancy occurs before a term has

2 expired, the vacancy must be filled for the remainder of the
4 unexpired term by the authority who made the original
6 appointment. If a member is absent for 2 consecutive meetings
8 and has not been excused by the chair from either meeting, the
council may remove the member by majority vote. If a nominating
organization does not submit nominations within a reasonable
period of time, the appointing authority may fill that
organization's seat with a member of the public at large.

10 3. Meetings; chair. The commissioner shall call the first
12 meeting of the council by October 15, 1993. At the first
14 meeting, the council shall select by majority vote a chair from
16 among its members to serve a term of one year. A chair may be
reelected to subsequent terms. The chair shall call subsequent
meetings. The council may meet as often as funding permits, but
must meet at least 4 times per year.

18 4. Powers. The council must have access to all
20 departmental records regarding child care programs administered
22 under this chapter, except that the council may not have access
to information that identifies individuals who receive assistance
under this chapter.

24 5. Duties. The council shall:

26 A. Advise the department and the Legislature regarding the
28 coordination of child care services in the State;

30 B. Advise the department regarding the preparation of any
32 application, amendment, waiver request, plan or other
34 document submitted by the department to the Federal
Government regarding child care funding and recommend
changes to the submission when appropriate;

36 C. Establish a subcommittee that includes licensing
38 officials, public health and safety representatives, early
40 childhood educators and others considered necessary by the
42 council to review the current system of licensing and
44 registration and recommend a uniform regulatory system for
family day-care homes. In its first annual report, the
council shall submit its recommendations, along with
implementing legislation, if needed, to the joint standing
committee of the Legislature having jurisdiction over human
resource matters;

46 D. Examine the role and funding of resource development
48 centers and submit recommendations regarding the number and
50 role of the centers in the State. These recommendations
must be made in the council's first or 2nd annual report;

2 E. Determine how the State can better use child care funds
3 available under the federal Social Security Act, Title IV,
4 Part A, particularly those funds available through the
5 federal Transitional Child Care Program, and develop a
6 proposal to use federal and state funds to supplement the
7 earned income disregard for families receiving aid to
8 families with dependent children;

9
10 F. Explore ways in which child care services may be better
11 integrated into a system of comprehensive services for
12 children and families; and

13
14 G. Examine any other relevant child care issues and make
15 recommendations as needed. The council may establish ad hoc
16 subcommittees as needed.

17
18 6. Report. By January 15th, the council shall submit an
19 annual report to the commissioner and the joint standing
20 committee of the Legislature having jurisdiction over human
21 resource matters. The report must describe the council's
22 activities for the year regarding its duties specified in
23 subsection 5 and must outline policy changes recommended by the
24 council, along with necessary implementing legislation.

25
26 7. Staff. The office shall provide staff and office
27 supplies to the council within the office's existing resources.
28 The council may refuse these services and supplies and may accept
29 and expend private funds to carry out its duties under this
30 chapter.

31 **§3740. Office of Child Care Coordination**

32
33 1. Establishment. The Office of Child Care Coordination is
34 established within the Bureau of Child and Family Services.

35
36 2. Powers and duties. The office has the following powers
37 and duties:

38 A. Maintain an inventory of child care information;

39
40 B. Provide public education on becoming better consumers of
41 child care;

42
43 C. Provide staffing assistance to the council;

44
45 D. Coordinate an ongoing review of all child care licensing
46 rules;

47
48

2 E. Provide technical assistance to public and private
4 sector employers, school systems and community groups
6 concerning child care, flexible benefits and work schedules;

8 F. Coordinate the development of a training system for
10 child care providers;

12 G. Develop incentives for employer involvement in child
14 care; and

16 H. Promote cooperative relationships between public health
18 organizations and child care programs.'

20 Further amend the bill by striking out all of section 6 and
22 inserting in its place the following:

24 'Sec. 6. 22 MRSA §8304-A is enacted to read:

26 **§8304-A. Fire safety**

28 1. Inspection required. As an ongoing condition of
30 licensure or registration, the Office of the State Fire Marshal
32 must provide annually to the department a written statement that
34 the day-care facility complies with applicable fire safety rules
36 adopted pursuant to Title 25, section 2452. The Commissioner of
38 Public Safety shall adopt rules in accordance with the Maine
40 Administrative Procedure Act to implement this subsection. The
42 rules must provide for at least the following.

44 A. The State Fire Marshall shall issue a fire safety
46 technician certificate to any person who successfully
48 completes a training course established by the Office of the
State Fire Marshal. A person who receives a fire safety
technician certificate pursuant to this paragraph may
perform fire safety inspections under this section.

B. In addition to ongoing certification requirements,
inspection and certification are required under this section
whenever a day-care facility changes or augments a heating
system or makes major structural alterations to the facility.

2. Fees. The department shall establish and pay reasonable
fees to the State Fire Marshal for services rendered under this
section. Fees collected by the State Fire Marshal under this
section must be deposited into a special revenue account to carry
out the purposes of this section. A balance remaining in the
account at the end of the fiscal year may not lapse but must be
carried forward into subsequent fiscal years.

2 3. Inspectors. The Commissioner of Public Safety may
3 appoint subject to the Civil Service Law employees needed to
4 carry out the purposes of this section. A person appointed
5 pursuant to this subsection is under the administrative and
6 supervisory direction of the State Fire Marshal.'

7 Further amend the bill by striking out all of sections 9 and
8 10.

9 Further amend the bill by renumbering the sections to read
10 consecutively.

11 Further amend the bill by inserting at the end before the
12 statement of fact the following:

13 FISCAL NOTE

14 The Department of Human Services will incur some minor
15 additional costs to ensure that all persons referred for
16 participation in the State's ASPIRE-JOBS program receive
17 information regarding child care options, to develop a universal
18 application form for applicants who are seeking child care as
19 their primary service, to calculate and pay a quality
20 differential under certain circumstances and to support the
21 staffing and membership costs related to the Child Care Advisory
22 Council. These costs can be absorbed within the Department of
23 Human Services' existing budgeted resources.

24 The Department of Mental Health and Mental Retardation, the
25 Department of Education, the Department of Economic and Community
26 Development and the Office of Substance within the Executive
27 Department will incur some minor additional costs to participate
28 as members on the Child Care Advisory Council. These costs can
29 be absorbed within the respective departments' existing budgeted
30 resources.

31 The additional costs to train and certify people to perform
32 fire safety inspections and the costs associated with rulemaking
33 can be absorbed by the Department of Public Safety, Office of the
34 Fire Marshal utilizing existing budgeted resources.'

35 STATEMENT OF FACT

36 This amendment makes the following changes to the original
37 bill.

38 1. It removes authorization for compensation for members of
39 the Child Care Advisory Council.

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2 2. It strikes provisions that would have abolished the
 Office of Child Care Coordination in favor of the Committee for
 4 Child Care Coordination. The office is retained and its
 authorizing statutory provisions are moved into the new chapter
 proposed by the bill and amended to reflect its actual duties.

6 3. Several clarifying amendments are made to ensure that
 8 the legislation is consistent with state and federal law.

10 4. A statutory section requiring maintenance of the current
 12 10 resource development centers is sunsetted on June 30, 1994,
 giving the Child Care Advisory Council time to submit its
 14 recommendations regarding the number and role of the centers.

16 5. Membership of the Child Care Advisory Council is revised
 to reflect the broad representation that currently exists on the
 Department of Human Services' child care advisory committee.
 18 This allows the council to replace the existing committee. Also,
 the duties of the council are clarified in light of the decision
 20 not to create a separate coordination committee.

22 6. Rather than specifying local officials who may perform
 fire inspections, the amendment directs the State Fire Marshal to
 24 establish standards and certify inspection technicians.

26 7. A section of the bill requiring the development of an
 automated child care eligibility and data base system is
 28 stricken. These functions are expected to be incorporated into
 the so-called FAMIS computer system that is being developed by
 30 the Department of Human Services.

32 The amendment also adds a fiscal note to the bill.

Reported by the Committee on Human Resources
 Reproduced and distributed under the direction of the Clerk of the
 House

5/25/93

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