

# MAINE STATE LEGISLATURE

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L.D. 1204

(Filing No. H-511 )

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

COMMITTEE AMENDMENT "A" to H.P. 890, L.D. 1204, Bill, "An Act to Amend the Laws Regarding Home Baby-sitting Services and to Provide Rules for Licensing Fees for Day Care Facilities, Nursery Schools and Home Baby-sitting Services"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 22 MRSA §8303, as enacted by PL 1975, c. 719, §6, is repealed.

Sec. 2. 22 MRSA §8303-A is enacted to read:

§8303-A. Fee for licenses

By January 1, 1994, the department shall adopt rules to establish reasonable fees for both initial licensure or certification and license or certification renewals for day care facilities, nursery schools and registered home baby-sitting services.

Sec. 3. 22 MRSA §8305, sub-§1, as amended by PL 1993, c. 158, §§6 and 7, is further amended to read:

1. **Registration.** Persons providing home day care on a regular basis for 3 to 12 children under the 16 years of age of 16 unrelated to the provider on-a-regular-basis who do not have a day care facility license 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:

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

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B. The provider has had a standard skin test for tuberculosis, as approved by the Division of Disease Control, Bureau of Health, and that the test is negative or, if the skin test is positive, an appropriate follow-up test, as approved by the Division of Disease Control, is negative. Subsequent testing may be required by the Division of Disease Control.

No A provider may be compelled to undergo a test for tuberculosis who states in writing that it is contrary to his that provider's religious teachings and practice may not be compelled to undergo a test for tuberculosis;

C. The water used for drinking and cooking:

(1) Comes from a municipal water supply; or

(2) Has been tested on an annual basis and meets the standards established by the Division of Health Engineering or a laboratory approved by the department;

D-1. The home has met the requirements of section 8304-A;

E. If the provider is caring for 6 or more preschool children, there will must 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- B; and

F. The provider or other residents of or other persons who frequent the home has never have not been convicted of a crime in which a child abuse or neglect as defined in section 4002, was a victim; have not been found, in a statutorily authorized form, to have abused or neglected children; or have not had parental rights terminated as provided in chapter 1071, the Child and Family Services and Child Protection Act by a statutorily authorized entity.

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

This subsection is repealed January 1, 1994.

Sec. 4. 22 MRSA §8305, sub-§1-A, is enacted to read:

1-A. Registration. Persons providing home day care on a regular basis for 3 to 12 children under 16 years of age unrelated to the provider who do not have a day care facility license shall 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:

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- 2           A. The provider is at least 18 years of age;
- 4           B. The provider has had a standard skin test for  
6           tuberculosis, as approved by the Division of Disease  
8           Control, Bureau of Health, and that the test is negative or,  
10           if the skin test is positive, an appropriate follow-up test,  
12           as approved by the Division of Disease Control, is negative.  
14           Subsequent testing may be required by the Division of  
16           Disease Control.
- 18           A provider who states in writing that it is contrary to that  
20           provider's religious teachings and practice may not be  
22           compelled to undergo a test for tuberculosis;
- 24           C. The water used for drinking and cooking:
  - 26           (1) Comes from a municipal water supply; or
  - 28           (2) Has been tested on an annual basis and meets the  
30           standards established by the Division of Health  
32           Engineering or a laboratory approved by the department;
- 34           D. The home has met the requirements of section 8304-A;
- 36           E. If the provider is caring for 6 or more preschool  
38           children, there must be an additional provider present  
40           whenever the children are on the premises. The additional  
42           provider must be at least 14 years of age and have had a  
44           tuberculosis test, as provided in paragraph B; and
- 46           F. The provider, other residents or other persons who  
48           frequent the home have not been convicted of a crime in  
50           which a child was a victim; have not been found, in a  
              statutorily authorized form, to have abused or neglected  
              children; or have not had parental rights terminated by a  
              statutorily authorized entity.

This subsection takes effect January 1, 1994.

**Sec. 5. 22 MRSA §8305, sub-§3, as repealed and replaced by PL 1985, c. 358, §1, is amended to read:**

**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 baby-sitting services. When the department believes that a certificate should be suspended or revoked, it shall file a complaint with the Administrative Court

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2 as provided in the Maine Administrative Procedure Act, Title 5,  
3 section 10051. An order by the Administrative Court suspending  
4 or revoking a registration voids a renewal application currently  
5 on file by the registrant. The Administrative Court may order  
6 that a person whose registration has been revoked or suspended  
7 may not apply for registration under this section or for  
8 licensure under this chapter for a period of time determined by  
9 the court.

10 **Sec. 6. 22 MRSA §8402, sub-§5,** as enacted by PL 1975, c. 709,  
11 **§2,** is repealed.

12 **Sec. 7. Effective date.** Sections 1 and 6 of this Act take  
13 effect January 1, 1994.

16 **FISCAL NOTE**

17 The Department of Human Services will realize additional  
18 dedicated revenue if the fees adopted through rulemaking exceed  
19 the current license fees. The department will be able to utilize  
20 these revenues to support program costs, which may result in some  
21 General Fund savings. The amounts will depend on the fee  
22 schedule adopted.  
23

24 The additional costs to adopt rules can be absorbed by the  
25 department utilizing existing budgeted resources.  
26

28 **STATEMENT OF FACT**

29 This amendment replaces the original bill. It differs from  
30 the original bill as follows.

31 1. It clarifies that the rules establishing licensing fees  
32 must be adopted by January 1, 1994 and makes the repeal of  
33 current license fees effective on that date to ensure that  
34 current fees are not repealed before the new ones are adopted.

35 2. It clarifies that when a registration for a home  
36 baby-sitting service is revoked by the Administrative Court,  
37 pending renewals become void and the court may bar the registrant  
38 from reapplying for a prescribed period of time.

39 3. It 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  
6/1/93 (Filing No. H-511)