# 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)



## 118th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1997

Legislative Document

No. 1255

H.P. 912

House of Representatives, February 25, 1997

An Act to Simplify Child Care Regulation in Maine.

Submitted by the Department of Human Services pursuant to Joint Rule 204. Reference to the Committee on Health and Human Services suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland. Cosponsored by Representatives: DONNELLY of Presque Isle, FULLER of Manchester, MITCHELL of Portland, O'BRIEN of Augusta, Senators: MILLS of Somerset, PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland.

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

- Sec. 1. 22 MRSA §1315, sub-§6-B, as enacted by PL 1991, c. 810, §11, is amended to read:
- 6 6-B. Preschool facility. "Preschool facility" means a day care facility as defined in section 8301,--a-heme-baby-sitting service--as-described--in-section-8305 or a nursery school as defined in section 8401.
- Sec. 2. 22 MRSA §7702, as amended by PL 1987, c. 774, §3, is further amended to read:

#### §7702. Violation; penalty

14

22

24

40

46

Whoever violates any provision of this subtitle, except section 7801, subsection 1, paragraph A, shall may 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 sections 7703,-8305 and 8603 shall may be punished only by a fine of not more than \$500.

Sec. 3. 22 MRSA §8301, 2nd ¶, as amended by PL 1989, c. 700, Pt. A, §97, is further amended to read:

The term does not include any facility operated as a nursery 26 school, --home - day --care - for -which --the - person -- or --combination -- of persons-does-net-receive-any-federal-er-state-funds, a summer 28 established solely for recreational and educational purposes, or a formal public or private school in the nature of a 3.0 kindergarten or elementary or secondary school approved by the Commissioner of Education in accordance with Title 20,--section 32 911 20-A. Providers-of-home-day-care-who-do-not-receive-federal er-state-funds-may-choose-to-be-licensed,-under-rules-premulgated 34 by-the-department-according-to-section-8302;-if-they-do-not,-they shall-be-registered-in-accordance-with-section-8305. 36

- Sec. 4. 22 MRSA §8302, sub-§5, as enacted by PL 1995, c. 74, §1, is amended to read:
- 5. Rules regarding rabies vaccinations for pets. The commissioner shall adopt rules regarding rabies vaccinations for pets residing on the premises of licensed day care facilities and registered-home-baby-sitting-services to ensure that pets have current and appropriate rabies vaccinations.
- Sec. 5. 22 MRSA §8303-A, as enacted by PL 1993, c. 353, §2,
  48 is amended to read:

#### 50 §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, and nursery schools—and—registered—home—baby—sitting services.

6

4

- Sec. 6. 22 MRSA §8304-A, sub-§1, as enacted by PL 1993, c.
  158, §5, is amended to read:
- 10 1. Inspection required. As an ongoing condition licensure or-registration, the Office of the State Fire Marshal 12 must provide annually no less than biannually to the department a written statement that the day-care facility complies with applicable fire safety rules adopted pursuant to Title 25, 14 The Commissioner of Public Safety shall adopt section 2452. rules in accordance with the Maine Administrative Procedure Act 16 to implement this subsection. The rules must provide for at least the following. 18
  - A. The State Fire Marshall Marshal shall issue a fire safety technician certificate to any person who successfully 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.

26

28

30

20

22

24

- 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.
- Sec. 7. 22 MRSA §8305, as amended by PL 1993, c. 353, §§3 to 5, is repealed.

34

36

Sec. 8. 22 MRSA §8306, as enacted by PL 1985, c. 358, §2, is repealed.

38

Sec. 9. 22 MRSA  $\S8402$ , sub- $\S3$ ,  $\PA$  and E, as enacted by PL 1975, c. 709,  $\S2$ , are amended to read:

40 42

A. Each licensee, administrator or other staff member of the nursery school, who provides care for the children, shall must be declared, annually no less than biannually, by a licensed physician to be free from communicable disease.

46

44

- E. The nursery school shall meet, annually no less than biannually, the fire safety requirements specified in section 8403, subsection 2.
- Sec. 10. 22 MRSA §8403, sub-§2, as enacted by PL 1975, c. 709, §2, is amended to read:

52

2. Requirements. This written statement, which shall must be furnished, annually no less than biannually, by the State Fire Marshal to the department, shall must indicate that the nursery school has complied with at least the requirements of the Life Safety-Gode-of-the National Fire Protection Association Life Safety Code as adopted by the State Fire Marshal, which are specified in:

- A. The family day care homes section, if the nursery school has at least 3 but no more than 6 children per session; ex
- B. The group day care homes section, if the nursery school has at least 7 but no more than 20 children per session; or
  - C. The child day care centers section, if the nursery school has more than 20 children per session.

#### **SUMMARY**

In 1993, the Legislature requested that the Child Care Advisory Council recommend a single regulatory system for family child care homes. Currently, Maine has 2 distinct ways of regulating the same type of home child care facility which often results in confusion for the consumer.

A task group was established in 1994 to develop recommendations for a single regulatory system. The task group surveyed child care providers and parents and held public hearings in order to gather input on establishing a single set of regulations that would primarily focus on the health and safety of Maine children. The 2-year process resulted in a proposed simplification of the rules, a reduction from 41 to 17 pages of regulations and a single regulatory system.

The purpose of this bill is to facilitate the prioritization of the licensing caseload to ensure that all family child care homes will be licensed before July 30, 1999. The bill continues to allow individuals to care for up to 2 unrelated children without being licensed and does not affect individuals caring for children of relatives.