

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1255

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H.P. 912

House of Representatives, February 25, 1997

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**An Act to Simplify Child Care Regulation in Maine.**

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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.

  
JOSEPH 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:

2           **Sec. 1. 22 MRSA §1315, sub-§6-B**, as enacted by PL 1991, c.  
4 810, §11, is amended to read:

6           **6-B. Preschool facility.** "Preschool facility" means a day  
8 care facility as defined in section 8301, ~~a home baby-sitting~~  
~~service as described in section 8305~~ or a nursery school as  
10 defined in section 8401.

12           **Sec. 2. 22 MRSA §7702**, as amended by PL 1987, c. 774, §3, is  
14 further amended to read:

14           **§7702. Violation; penalty**

16           Whoever violates any provision of this subtitle, except  
18 section 7801, subsection 1, paragraph A, shall ~~may~~ be punished by  
20 a fine of not more than \$500 or by imprisonment for not more than  
22 11 months, or by both, except that anyone violating sections  
24 7703, ~~8305~~ and 8603 shall ~~may~~ be punished only by a fine of not  
26 more than \$500.

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

32           The term does not include any facility operated as a nursery  
34 school, ~~home day care for which the person or combination of~~  
~~persons does not receive any federal or state funds~~, a summer  
36 camp established solely for recreational and educational  
38 purposes, or a formal public or private school in the nature of a  
40 kindergarten or elementary or secondary school approved by the  
42 Commissioner of Education in accordance with Title 20, ~~section~~  
44 ~~911 20-A. Providers of home day care who do not receive federal~~  
~~or state funds may choose to be licensed, under rules promulgated~~  
~~by the department according to section 8302; if they do not, they~~  
46 ~~shall be registered in accordance with section 8305.~~

48           **Sec. 4. 22 MRSA §8302, sub-§5**, as enacted by PL 1995, c. 74,  
50 §1, is amended to read:

52           **5. Rules regarding rabies vaccinations for pets.** The  
54 commissioner shall adopt rules regarding rabies vaccinations for  
56 pets residing on the premises of licensed day care facilities and  
58 ~~registered home baby-sitting services~~ to ensure that pets have  
60 current and appropriate rabies vaccinations.

62           **Sec. 5. 22 MRSA §8303-A**, as enacted by PL 1993, c. 353, §2,  
64 is amended to read:

66           **§8303-A. Fee for licenses**

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

7 **Sec. 6. 22 MRSA §8304-A, sub-§1**, as enacted by PL 1993, c.  
8 158, §5, is amended to read:

9 **1. Inspection required.** As an ongoing condition of  
10 licensure ~~or registration~~, the Office of the State Fire Marshal  
11 must provide ~~annually~~ no less than biannually to the department a  
12 written statement that the day-care facility complies with  
13 applicable fire safety rules adopted pursuant to Title 25,  
14 section 2452. The Commissioner of Public Safety shall adopt  
15 rules in accordance with the Maine Administrative Procedure Act  
16 to implement this subsection. The rules must provide for at  
17 least the following.

18 **A.** The State Fire Marshall ~~Marshal~~ shall issue a fire  
19 safety technician certificate to any person who successfully  
20 completes a training course established by the Office of the  
21 State Fire Marshal. A person who receives a fire safety  
22 technician certificate pursuant to this paragraph may  
23 perform fire safety inspections under this section.

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

28 **Sec. 7. 22 MRSA §8305**, as amended by PL 1993, c. 353, §§3 to  
29 5, is repealed.

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

32 **Sec. 9. 22 MRSA §8402, sub-§3, ¶¶A and E**, as enacted by PL  
33 1975, c. 709, §2, are amended to read:

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

38 **E.** The nursery school shall meet, annually no less than  
39 biannually, the fire safety requirements specified in  
40 section 8403, subsection 2.

41 **Sec. 10. 22 MRSA §8403, sub-§2**, as enacted by PL 1975, c. 709,  
42 §2, is amended to read:

