

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 734

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H.P. 527

House of Representatives, January 26, 1999

### **An Act to Strengthen the Child Care Licensing Laws.**

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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.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland.  
Cosponsored by Senator PARADIS of Aroostook and  
Representative QUINT of Portland.

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

Sec. 1. 22 MRSA §8301-A, sub-§1, ¶A, as enacted by PL 1997, c. 494, §8 and affected by §15, is repealed and the following enacted in its place:

A. "Day care center" means:

(1) A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age;

(2) A facility that is not part of a person's own home where there are between 3 and 12 children being cared for; or

(3) Any location or locations that are operated as a single day care program or by a single person or persons when there are more than 12 children being cared for.

"Day care center" does not include a facility operated as a nursery school, a facility operated by a home day care provider or a summer camp established solely for recreational and educational purposes or a formal public or private school in the nature of a kindergarten or elementary or secondary school approved by the Commissioner of Education in accordance with Title 20-A.

Sec. 2. 22 MRSA §8301-A, sub-§§5, 6 and 7 are enacted to read:

5. Fines. A violation of this section is punishable by a fine of up to \$1,000 per incident and a violation of the staff-to-child ratios is punishable by a fine of up to \$500 per incident or \$500 per child over the legal limit, as determined by the court. The department may also seek an injunction to require compliance through the courts for this or any other violation of the laws or rules.

6. Administrative suspension. Whenever conditions exist that immediately jeopardize the health and safety of children, the commissioner may issue an order of closure, which suspends the certification of the home day care provider or the day care center license for up to 10 days pending further investigation or prior to obtaining an order of emergency suspension from the court. Such an order of closure must be posted at the facility and made public in whatever fashion determined most appropriate for parents and other potential customers by the department.

2       7. Temporary license. Whenever a certified home day care  
3       provider or licensed day care center moves to a new location, for  
4       whatever cause, the department may issue a temporary license when  
5       all applicable standards have been met excepting a requirement  
6       that is dependent on State Government action and the resources of  
7       State Government prevent issuance of a provisional or full  
8       license in a timely fashion. Such a temporary license is valid  
9       until a final action on the new application is made by the  
10       department.

## 12                               SUMMARY

14       This bill clarifies the legal basis for small, nonhome-based  
15       child care programs; strengthens penalties for illegal  
16       operations; provides a mechanism to close child care facilities  
17       immediately whenever conditions exist that threaten the welfare  
18       of children; and allows the Department of Human Services to issue  
19       temporary licenses when fully licensed providers move to new  
20       locations.