

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1999

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Legislative Document

No. 2305

H.P. 1645

House of Representatives, December 21, 1999

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

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Submitted by the Department of Human Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 1999. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland.

Cosponsored by Representative KANE of Saco, Senators: LONGLEY of Waldo, PARADIS of Aroostook.

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

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4       Sec. 1. 22 MRSA §7702-A, as enacted by PL 1999, c. 363, §3,  
is amended to read:

6       **§7702-A. Violations; penalties**

8       1. **Criminal penalties.** Except as otherwise provided by  
10 law, in addition to the civil penalties imposed pursuant to  
12 subsection 2, a person who violates any provision of this  
subtitle commits a Class E crime.

14       2. **Civil penalties.** A In addition to any criminal  
16 penalties imposed pursuant to subsection 1, a person who violates  
18 section 7703-or-8603-or-rules-adopted-pursuant-to-these-sections  
20 7801, subsection 1, paragraph E or F commits a civil violation  
22 for which a forfeiture not to exceed \$500 per incident or \$500  
24 per number of children above the limitation set by law, or both,  
may be adjudged. A person who violates rules governing  
child-to-staff ratios adopted under section 8302-A, subsection 1,  
paragraph A or subsection 2, paragraph G commits a civil  
violation for which a forfeiture not to exceed \$500 per incident  
or \$500 per number of children above the limitation set by rule,  
or both, may be adjudged.

26       ~~3. Licensure provisions. A person who violates the~~  
28 ~~following sections or rules adopted pursuant to these sections is~~  
subject ~~to the sanctions provided for under the rules of~~  
30 ~~licensure applicable to the facility, day care center or home day~~  
~~care provider;~~

32       ~~A. Section 7801, subsection 1, paragraph A;~~

34       ~~B. Section 8301-A, or~~

36       ~~C. Section 8302-A, subsection 1, paragraphs B to I and~~  
38 ~~subsection 2, paragraphs A to F and H to J.~~

40       4. **Dedicated funds.** Fines and forfeitures adjudged under  
42 this section are payable to the Purchased Social Services Other  
Special Revenue account.

44       5. **Injunctive relief.** The department may seek an  
46 injunction to require compliance with the provisions of this  
section or rules adopted pursuant to this section.

## SUMMARY

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4       This bill clarifies that both criminal and civil penalties  
may be imposed for violations of child care licensing laws.

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8       This bill also allows the assessment of civil forfeitures of  
not more than \$500 per incident or per child above the limit set  
by law against child care facilities in violation of state  
licensing standards. It also allows the Department of Human  
10       Services to seek injunctive relief when necessary.