

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)

Handwritten initials
R.O.S.

L.D. 359

DATE: 5/12/5

(Filing No. H-346)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 272, L.D. 359, Bill, "An Act To Change the Child Care Facility Licensing Laws"

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

Sec. 1. 22 MRSA §7802, sub-§2, ¶B, as amended by PL 1999, c. 599, §1, is further amended to read:

B. The terms of full licenses or approvals are as follows.

(1) Except as provided in subparagraphs (2), ~~(3)~~ and ~~(4)~~ to (6), the term of all full licenses and approvals issued pursuant to this chapter is for one year or the remaining period of a conditional or provisional license that has been issued for less than one year.

(2) The term of a residential child care facility license is for 2 years.

(3) The term of a drug treatment center license may be for either one or 2 years.

(4) The term of a family foster home or specialized foster home license is for 2 years.

COMMITTEE AMENDMENT

PLS

2 (5) The term of a child care facility license issued
under section 8301-A, subsection 2 is for 2 years.

4 (6) The term of a home day care certificate issued
under section 8301-A, subsection 3 is for 2 years.

6
8 **Sec. 2. 22 MRSA §8301-A, sub-§2,** as amended by PL 2001, c.
645, §6, is further amended to read:

10 **2. Child care facility licensure.** The owner or operator of
12 a child care facility shall pay the licensing fee required under
14 section 8303-A. A child care facility must be licensed under
16 this chapter and must comply with the rules adopted by the
18 commissioner under section 8302-A and the fire safety
20 requirements of section 8304-A. The department shall make at
least one unannounced inspection of a child care facility
licensed under this chapter during the term of the license. The
inspection must take place between 6 and 18 months after the
issuance of the license. Except as otherwise provided, a nursery
22 school must meet the requirements of this chapter and chapter
1675.

24 **Sec. 3. 22 MRSA §8301-A, sub-§3,** as enacted by PL 1997, c.
494, §8 and affected by §15, is amended to read:

26 **3. Home day care provider certification.** A home day care
28 provider shall pay the certification fee required under section
30 8303-A. A home day care provider must be certified under this
32 chapter and shall comply with the rules adopted by the
34 commissioner under section 8302-A and the fire safety
36 requirements of section 8304-A. The department shall make at
least one unannounced inspection of a home day care provider
certified under this chapter during the term of the certificate.
The inspection must take place between 6 and 18 months after the
issuance of the certificate.

38 **Sec. 4. 22 MRSA §8303-A,** as amended by PL 1997, c. 494, §12
and affected by §15, is further amended to read:

40 **§8303-A. Fee for licenses**

42 ~~By January 1, 1998, the~~ The department shall adopt rules to
44 establish reasonable fees for both initial licensure or
46 eenters, child care facilities, nursery schools and certified
48 home day care providers. Rules adopted pursuant to this section
are major substantive rules pursuant to Title 5, chapter 375,
subchapter II-A 2-A.

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 272, L.D. 359

Sec. 5. 22 MRSA §8402, sub-§3, ¶E, as amended by PL 2001, c. 645, §10, is further amended to read:

E. The nursery school meets, annually biennially, the fire safety requirements specified in section 8403, subsection 2.

Sec. 6. 22 MRSA §8403, sub-§2, as amended by PL 1997, c. 728, §14, is further amended to read:

2. Requirements. This written statement must be furnished annually biennially to the department and must indicate that the nursery school has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association that 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;

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.

Sec. 7. Biennial fees. By October 1, 2005, the Department of Health and Human Services shall assess biennial fees for full child care facility licenses, nursery school licenses and home day care certificates that must be twice the fees assessed for licenses and certificates that are issued annually. Notwithstanding the provisions of the Maine Revised Statutes, Title 22, section 8303-A, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

SUMMARY

This amendment extends 2-year certification to home day care providers, provides for unannounced inspections of certified home day care providers by the Department of Health and Human Services at least once during the certification period, provides for biennial inspections by the State Fire Marshal's Office for nursery schools and certified home day care providers and provides for biennial full license and certificate fees.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 359

LR 1275(02)

An Act To Change the Child Care Facility Licensing Laws

Fiscal Note for Bill as Amended by Committee Amendment 'A'

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	(\$236,383)	\$236,383	(\$245,838)	\$245,838
Revenue				
General Fund	\$236,383	(\$236,383)	\$245,838	(\$245,838)

Fiscal Detail and Notes

Reflects the bill's requirement that child care facility licenses, nursery school licenses and home day care certificates be issued for a 2 year term. It is assumed General Fund undedicated revenue from these sources would double in the first year of each two-year term, and be eliminated in the second year of the term.