

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1486

H.P. 1093

House of Representatives, April 14, 2011

**An Act To Amend the Laws Concerning the Child Care Advisory
Council and the Maine Children's Growth Council**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STUCKEY of Portland.
Cosponsored by Senator ALFOND of Cumberland.

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

2 **Sec. 1. 5 MRSA §24001, sub-§6**, as enacted by PL 2007, c. 683, Pt. A, §2, is
3 amended to read:

4 **6. Quorum; meetings.** ~~Thirteen~~ A majority of the voting members of the council
5 constitute a quorum. The council may meet as often as necessary but shall meet at least 6
6 times a year. A meeting may be called by a cochair or by any 5 members.

7 **Sec. 2. 5 MRSA §24001, sub-§8**, as enacted by PL 2007, c. 683, Pt. A, §2, is
8 amended to read:

9 **8. Staffing; funding.** The council may hire staff as necessary for its work and as
10 resources permit. The council may accept grant funding and other funding as may be
11 available for the work of the council. ~~The Department of Health and Human Services~~
12 ~~shall act as fiscal agent for the council.~~

13 **Sec. 3. 5 MRSA §24002, sub-§1, ¶C**, as enacted by PL 2007, c. 683, Pt. A, §2, is
14 amended to read:

15 C. Reporting by January 15, ~~2010~~ 2011 and every 2 years thereafter at the start of the
16 first regular session of the Legislature to the ~~Department of Health and Human~~
17 ~~Services, the Governor, the Children's Cabinet and~~ Governor and the one or more
18 joint standing committees of the Legislature having jurisdiction over health, human
19 services, taxation and education matters on the activities and accomplishments of the
20 council and its long-term plan for investment in the healthy development of young
21 children, and issuing such other reports as the council determines to be appropriate.

22 **Sec. 4. 22 MRSA §3731, sub-§1**, as enacted by PL 1993, c. 158, §2, is amended
23 to read:

24 **1. Child care.** "Child care" means a regular service of care and ~~protection~~ education
25 provided for compensation for any part of a day less than 24 hours to a child or children
26 under 16 years of age whose parents work outside the home, attend an educational
27 program or are otherwise unable to care for their children. "Child care" also means
28 administrative functions related to the delivery of child care services, including, but not
29 limited to, contract management, voucher administration, licensing, training, technical
30 assistance and referral.

31 **Sec. 5. 22 MRSA §3731, sub-§2-A** is enacted to read:

32 **2-A. Division.** "Division" means the early childhood division of the Department of
33 Health and Human Services, Office of Child and Family Services.

34 **Sec. 6. 22 MRSA §3732, sub-§4**, as enacted by PL 1993, c. 158, §2, is amended
35 to read:

36 **4. Accessibility.** High-quality child care must be available to any family seeking
37 care regardless of where the family lives or the special needs of the child. A centralized

1 ~~place system~~ in local communities must be available to facilitate parents' access to child
2 care.

3 **Sec. 7. 22 MRSA §3732, sub-§5**, as enacted by PL 1993, c. 158, §2, is amended
4 to read:

5 **5. Affordability.** High-quality child care must be available to families who receive
6 child care subsidies available in the State on a sliding scale fee basis, with families
7 contributing based on ability to pay.

8 **Sec. 8. 22 MRSA §3736, sub-§1**, as enacted by PL 1993, c. 158, §2, is amended
9 to read:

10 **1. Single application form.** By October 1, 1993, the department shall develop a
11 universal application for all publicly funded child care programs for applicants who are
12 seeking child care as their primary service. By January 1, 1994, the department shall
13 require all caseworkers and contractors to use the form to determine eligibility for those
14 applicants. Applicants submitting applications to more than one caseworker or contractor
15 may submit photocopies or facsimile copies.

16 **Sec. 9. 22 MRSA §3739, sub-§2**, as amended by PL 2001, c. 179, §1 and c. 354,
17 §3 and PL 2003, c. 689, Pt. B, §§6 and 7, is further amended to read:

18 **2. Membership.** The council has a minimum of ~~25~~ 28 members, appointed as
19 follows:

20 A. One employee of the ~~Bureau of Family Independence~~ department's office of
21 integrated access and support who is responsible for child care services, appointed by
22 the commissioner;

23 B. ~~Two employees~~ The employee of the Department of Health and Human Services,
24 Office of Child Care and Head Start who ~~are responsible for~~ serves as the state child
25 care services, appointed by the commissioner administrator, or the state child care
26 administrator's designee;

27 C. One employee of the ~~Department of Health and Human Services, Bureau of~~
28 Children with Special Needs division within the department concerned with
29 children's behavioral health services, appointed by the ~~Commissioner of Health and~~
30 Human Services commissioner;

31 D. ~~One employee~~ Two employees of the Department of Education, one of whom
32 represents special education programs and one of whom oversees public programs for
33 children 4 years of age, appointed by the Commissioner of Education;

34 E. One employee who ~~coordinates~~ serves as the state Head Start ~~program~~
35 collaboration director, ~~appointed by the commissioner~~ or the state Head Start
36 collaboration director's designee;

37 F. The State Fire Marshal or the State Fire Marshal's designee;

38 G. One employee of the Office of Substance Abuse, appointed by the Director of the
39 Office of Substance Abuse;

- 1 H. One employee of the Department of Economic and Community Development,
2 appointed by the Commissioner of Economic and Community Development;
- 3 I. One member of the Senate, appointed by the President of the Senate;
- 4 J. Two members of the House of Representatives, at least one of whom ~~must~~ may
5 not be from the ~~minority~~ party with the most members in the House of
6 Representatives, appointed by the Speaker of the House of Representatives;
- 7 K. One parent or other consumer who receives a child care subsidy at the time of
8 that parent's or consumer's appointment, appointed by the Governor;
- 9 L. One parent or other consumer of child care services who does not receive a child
10 care subsidy, appointed by the Governor;
- 11 M. One business representative nominated by the Maine Chamber of Commerce and
12 Industry, appointed by the Governor;
- 13 N. One center-based care representative nominated by the Maine Child Care
14 Directors' Association, appointed by the Governor;
- 15 O. One Head Start provider nominated by the Maine Head Start Directors'
16 Association, appointed by the Governor;
- 17 P. One family ~~day care~~ child care provider nominated by ~~the Maine Family Day~~
18 ~~Care Association~~ an association of family child care providers in the State, appointed
19 by the Governor;
- 20 Q. One person representing Native Americans, appointed by the Governor;
- 21 R. One child care provider who does not receive public funds, appointed by the
22 Governor;
- 23 S. One person ~~associated with a local preschool handicapped project coordination~~
24 ~~site~~ representing a nonprofit advocacy organization dedicated to improving the lives
25 of children, youth and their families, appointed by the Governor;
- 26 T. One person ~~nominated by the Coalition for Maine's Children~~ associated with a
27 Child Development Services System site, appointed by the Governor;
- 28 U. One person ~~nominated by the Maine Association of Child Care Resource and~~
29 ~~Referral Agencies~~ representing a collaborative partnership between the University of
30 Maine and the Department of Health and Human Services, Office of Child Care and
31 Head Start, nominated by the University of Maine Center for Community Inclusion
32 and Disability Studies, appointed by the Governor;
- 33 V. One representative of women nominated by the Maine Women's Lobby,
34 appointed by the Governor; ~~and~~
- 35 W. One direct service provider of child care for school-age children, nominated by
36 the University of Maine at Farmington, Maine Afterschool Network, or a successor
37 program, appointed by the Governor;:
- 38 X. One person representing the University of Southern Maine, Edmund S. Muskie
39 School of Public Service, Maine Roads to Quality, or a successor program, appointed
40 by the Governor;

1 Y. A person representing an association of resource development centers in the State,
2 appointed by the Governor; and

3 Z. One person representing unionized family child care providers, nominated by the
4 Maine State Employees Association-Service Employees International Union,
5 appointed by the Governor.

6 Senators and members of the House of Representatives serve for the duration of the
7 legislative terms that they are serving when appointed. Members from state departments
8 serve at the pleasure of their appointing authorities. All other members serve 3-year
9 terms and may continue to serve beyond their terms until their successors are appointed.
10 If a vacancy occurs before a term has expired, the vacancy must be filled for the
11 remainder of the unexpired term by the authority who made the original appointment. If
12 a member is absent for 2 consecutive meetings and has not been excused by the chair
13 from either meeting, the council may remove the member by majority vote. If a
14 nominating organization does not submit nominations within a reasonable period of time,
15 the appointing authority may fill that organization's seat with a member of the public at
16 large.

17 The council shall determine whether more than ~~25~~ 28 members would assist it in its work
18 under subsections 1 and 5. If a majority of the council votes to request the appointment
19 of additional members, the council shall specify the number of additional members
20 needed and shall convey a request for the appointment of those additional members to the
21 Governor, who shall make the appointments.

22 **Sec. 10. 22 MRSA §3739, sub-§3,** as enacted by PL 1993, c. 158, §2, is amended
23 to read:

24 **3. Meetings; chair.** The commissioner shall call the first meeting of the council by
25 October 15, 1993. At the first meeting, the council shall select by majority vote a chair
26 from among its members to serve a term of one year. A chair may be reelected to
27 subsequent terms. The chair shall call subsequent meetings. The council may meet as
28 often as funding permits, but must meet at least 4 times per year at a date, time and place
29 determined by the council. The chair, in collaboration with the department, may call a
30 special meeting to address an issue that, in the judgment of the chair, cannot wait until the
31 next regularly scheduled meeting.

32 **Sec. 11. 22 MRSA §3739, sub-§3-A** is enacted to read:

33 **3-A. Notice of meetings; agenda.** At a reasonable time before a meeting of the
34 council, the chair shall send a notice of the meeting to every member under subsection 2.
35 A notice of meeting required under this subsection must contain the date, time, place and
36 agenda of the meeting and the minutes of the previous meeting. Notice of a special
37 meeting under subsection 3 must be sent under this subsection as expeditiously as
38 possible.

39 **Sec. 12. 22 MRSA §3739, sub-§3-B** is enacted to read:

40 **3-B. Attendance at meetings.** A member of the council is expected to attend all
41 meetings under subsection 3. If a member is unable to attend a meeting called under

1 subsection 3, the member shall inform the chair. A member may attend a meeting under
2 subsection 3 by participating remotely through the means of telephone, electronic media
3 or other device if the facilities allow for such participation. The council shall endeavor to
4 install means by which a member may participate remotely pursuant to this subsection.

5 **Sec. 13. 22 MRSA §3739, sub-§6**, as enacted by PL 1993, c. 158, §2, is amended
6 to read:

7 **6. Report.** By January 15th, the council shall submit an annual report to the
8 commissioner, the cochairs of the Maine Children's Growth Council established in Title
9 5, chapter 621 and the joint standing committee of the Legislature having jurisdiction
10 over human ~~resource~~ services matters. The report must describe the council's activities
11 for the year regarding its duties specified in subsection 5 and must outline policy changes
12 recommended by the council, along with necessary implementing legislation.

13 **Sec. 14. 22 MRSA §3739, sub-§8** is enacted to read:

14 **8. Parliamentary authority.** Except as mandated by state law, a meeting under
15 subsection 3 is governed by the current edition of Robert's Rules of Order Newly
16 Revised.

17 SUMMARY

18 This bill makes changes to the quorum rules, staffing and reporting duties of the
19 Maine Children's Growth Council and makes changes to the membership of and
20 requirements regarding notice and conduct of and attendance at meetings of the Child
21 Care Advisory Council.