

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1689

H.P. 1154

House of Representatives, March 30, 2016

**An Act To Protect Children in the State from Possible Sexual,
Physical and Emotional Abuse by Persons Who Have Been
Convicted of Crimes**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative MAKER of Calais.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: GERRISH of Lebanon, GROHMAN of Biddeford, HARRINGTON of
Sanford, HUBBELL of Bar Harbor, Senators: BAKER of Sagadahoc, BURNS of Washington,
CYRWAY of Kennebec.

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

2 **Sec. 1. 22 MRSA §8301-A, sub-§2**, as amended by PL 2005, c. 640, §2, is
3 further amended to read:

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

13 **Sec. 2. 22 MRSA §8301-A, sub-§3**, as amended by PL 2005, c. 640, §3, is
14 further amended to read:

15 **3. Family child care provider certification.** A family child care provider shall pay
16 the certification fee required under section 8303-A. A family child care provider must be
17 certified under this chapter and shall comply with the rules adopted by the commissioner
18 under section 8302-A ~~and~~ the fire safety requirements of section 8304-A and the
19 requirements of section 8304-B. The department shall make at least one unannounced
20 inspection of a family child care provider certified under this chapter during the term of
21 the certificate. The inspection must take place between 6 and 18 months after the
22 issuance of the certificate.

23 **Sec. 3. 22 MRSA §8304-B** is enacted to read:

24 **§8304-B. Criminal history record information; fingerprinting**

25 **1. Child care facility.** As a condition of licensure, beginning September 1, 2016, a
26 child care facility must submit for each provider of care and staff member:

27 A. Age, criminal record and personal history in accordance with rules adopted under
28 section 8302-A, subsection 1, paragraph G; and

29 B. A set of fingerprints taken by a qualified law enforcement agency or an
30 authorized employee of the Department of Public Safety.

31 **2. Family child care provider.** As a condition of certification, beginning
32 September 1, 2016, a family child care provider must submit for each provider of care
33 and staff member:

34 A. Age, criminal record and personal history in accordance with rules adopted under
35 section 8302-A, subsection 2, paragraph J; and

36 B. A set of fingerprints taken by a qualified law enforcement agency or an
37 authorized employee of the Department of Public Safety.

