

# MAINE STATE LEGISLATURE

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Date: 6/21/17 Report C

L.D. 274  
(Filing No. H-535)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "C" to H.P. 207, L.D. 274, Bill, "An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers"

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

'Sec. 1. 22 MRSA §7702-A, sub-§3, ¶C, as amended by PL 2015, c. 497, §1, is further amended to read:

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

Sec. 2. 22 MRSA §8302-A, sub-§1, as amended by PL 2015, c. 497, §2, is further amended to read:

1. Rules for child care facilities. Rules for child care facilities must include, but are not limited to, rules pertaining to the following:

- A. Child to staff ratios;
- B. The health and safety of the children and staff, including training on communicable diseases;
- C. Water for drinking and cooking;
- D. Wastewater;
- E. Rabies vaccinations for pets;
- F. The quality of the program provided;
- G. The age, criminal record and personal history of the provider of care for children and staff members;
- H. The administration of medication; and
- I. Licensing procedures; and.

**COMMITTEE AMENDMENT**

**A.S.S.**

1           ~~J. Requiring a criminal background check for:~~  
2                 ~~(1) Each child care staff member whose activities involve the care or supervision~~  
3                 ~~of children; and~~  
4                 ~~(2) Each adult who has unsupervised access to children who are cared for or~~  
5                 ~~supervised by a child care facility.~~

6           ~~The criminal background check must meet the requirements of 42 United States~~  
7           ~~Code, Section 9858f(b).~~

8           Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5,  
9           chapter 375, subchapter 2-A, ~~except that rules adopted pursuant to paragraph J to comply~~  
10           ~~with 42 United States Code, Section 9858f(b) are major substantive rules pursuant to~~  
11           ~~Title 5, chapter 375, subchapter 2-A.~~

12           **Sec. 3. 22 MRSA §8302-A, sub-§2,** as amended by PL 2015, c. 497, §3, is  
13           further amended to read:

14           **2. Rules for family child care providers.** Rules for family child care providers  
15           must include, and are limited to, rules pertaining to the following:

- 16           A. Cardiopulmonary resuscitation;
- 17           B. Water for drinking and cooking;
- 18           C. Wastewater;
- 19           D. Rabies vaccinations for pets;
- 20           E. Recording the times, reasons and numbers of children involved when more than  
21           12 children are cared for;
- 22           F. Ongoing training for providers on health and safety issues, including training on  
23           communicable diseases. This training must be offered at times that are convenient to  
24           the providers;
- 25           G. Child to staff ratios;
- 26           H. Health and safety of the children and staff;
- 27           I. Procedures for waivers of rules and for suspension and revocation of certification;  
28           and
- 29           J. The age, criminal record and personal history of the family child care provider,  
30           staff and members of the household; ~~and.~~

31           ~~K. Requiring a criminal background check for:~~  
32                 ~~(1) The family child care provider;~~  
33                 ~~(2) Each child care staff member whose activities involve the care or supervision~~  
34                 ~~of children; and~~  
35                 ~~(3) Each adult who has unsupervised access to children who are cared for or~~  
36                 ~~supervised by the family child care provider.~~

~~The criminal background check must meet the requirements of 42 United States Code, Section 9858f(b).~~

Rules adopted pursuant to paragraphs A to F are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A and rules adopted pursuant to paragraphs G to J are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

**Division of Licensing and Regulatory Services Z036**

Initiative: Deallocation for savings achieved by reduction in the number of background checks.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	(\$17,000)	(\$10,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>(\$17,000)</u>	<u>(\$10,000)</u>

**SUMMARY**

This amendment, which is one of 2 minority reports of the committee, removes the requirement that a family child care provider, the staff of a family child care provider or child care facility or other adult who has unsupervised access to children who are cared for or supervised by the family child care provider or child care facility undergo a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b). This amendment adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 128th MAINE LEGISLATURE

LD 274

LR 332(04)

## An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers

Fiscal Note for Bill as Amended by Committee Amendment 'C' (H-535)  
Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	(\$17,000)	(\$10,000)	(\$10,000)	(\$10,000)
<b>Revenue</b>				
Other Special Revenue Funds	(\$45,000)	(\$27,000)	(\$27,000)	(\$27,000)

#### Fiscal Detail and Notes

The Department of Health and Human Services will require Other Special Revenue Funds deallocations of \$17,000 in fiscal year 2017-18 and \$10,000 in fiscal year 2018-19 for savings achieved by reduction in the number of background checks. Other Special Revenue Funds revenue will also be reduced from fewer background checks by \$45,000 in fiscal year 2017-18 and \$27,000 in fiscal year 2018-19.

The Department of Public Safety will incur minor General Fund and Highway Fund savings from not having to process these background checks. General Fund revenue will decrease by a minor amount from not receiving revenue from background check fees.